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# LIBERTY

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D. C.

A MAGAZINE OF RELIGIOUS FREEDOM



# DECLARATION OF PRINCIPLES

*Religious Liberty Association*

We believe in God, in the Bible as the word of God, and in the separation of church and state as taught by Jesus Christ; namely, that the church and the state have been placed side by side, each to work in its respective sphere. (Matt. 22:21; John 18:36.)

We believe that the Ten Commandments are the law of God, and that they comprehend man's whole duty to God and man.

We believe that the religion of Jesus Christ is comprehended in the principle of love to God and love to our fellowman, and thus this religion needs no human power to support or enforce it. Love cannot be forced.

We believe in civil government as divinely ordained to protect men in the enjoyment of their natural rights, and to rule in civil things, and that in this realm it is entitled to the respectful and willing obedience of all.

We believe it is the right and should be the privilege of every individual to worship or not to worship, or to change or not to change his religion, according to the dictates of his own conscience, but that in the exercise of this right he should respect the equal rights of others.

We believe that all legislation which unites church and state is subversive of human rights, potentially persecuting in character, and opposed to the best interests of the church and of the state; and therefore, that it is not within the province of human government to enact such legislation.

We believe it to be our duty to use every lawful and honorable means to prevent the enactment of legislation which tends to unite church and state, and to oppose every movement toward such union, that all may enjoy the inestimable blessings of religious liberty.

We believe in the individual's natural and inalienable right of freedom of conscience, and the right to profess, to practice, and to promulgate his religious beliefs; holding that these are the essence of religious liberty.

We believe that these liberties are embraced in the golden rule, which says, "Whatsoever ye would that men should do to you, do ye even so to them."

Religious Liberty Association, 6840 Eastern Avenue,  
Takoma Park, Washington 12, D.C.



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Vol. 50, No. 3  
Third Quarter  
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1955

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Freedom Holds Aloft the Torch of Liberty. Color Photo by J. Byron Logan.

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## Our Cover Picture

Symbols are the illustrator's delight and the cartoonist's dream, for with them they can picture nations, conditions of society, peace, war, want, or prosperity. Both the Bible and secular literature use them to represent nations and peoples. To note just a few in the secular field: the lion and the figure John Bull represent England, the eagle and the tall gentleman dressed in stars and bars symbolize the United States, the dove brings to our minds peace, and the horn filled with the fruit of the earth is emblematic of plenty.

On our cover for this quarter we present a lovely young woman dressed in the characteristic garments of freedom. She holds aloft the torch of liberty to dispel the darkness of despair that covers so much of the world about us. During this period we celebrate an independence day. We are surfeited with parades, songs of freedom, and orations of patriotic fervor. These are accompanied by prayers of thanksgiving and hymns of praise for the blessings that are ours.

All of these are the heritage of a people dedicated to the principle that all men are created equal, and have a God-given right to life, liberty, and the pursuit of happiness.



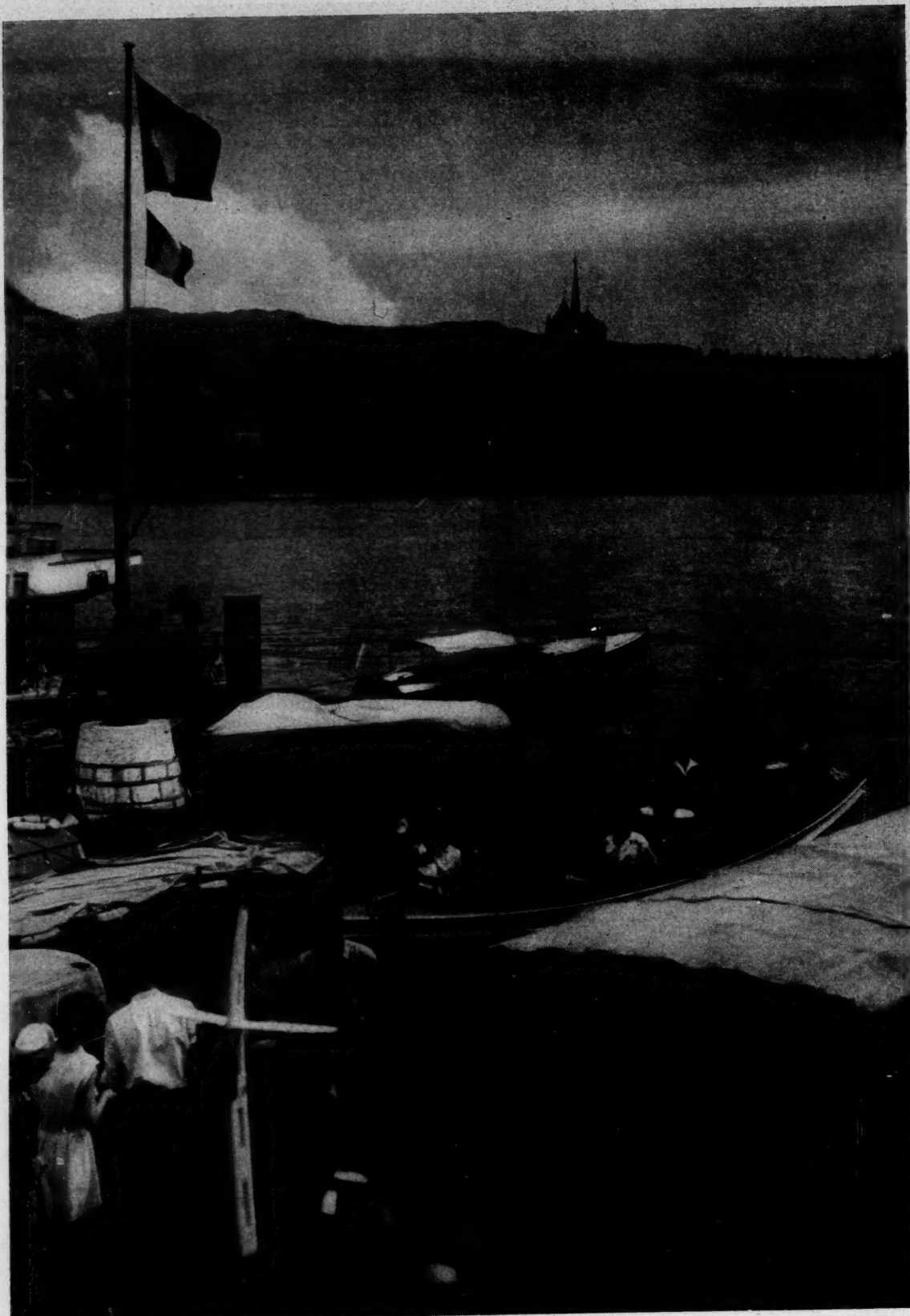
## BACK COVER

The Federal Hall Memorial

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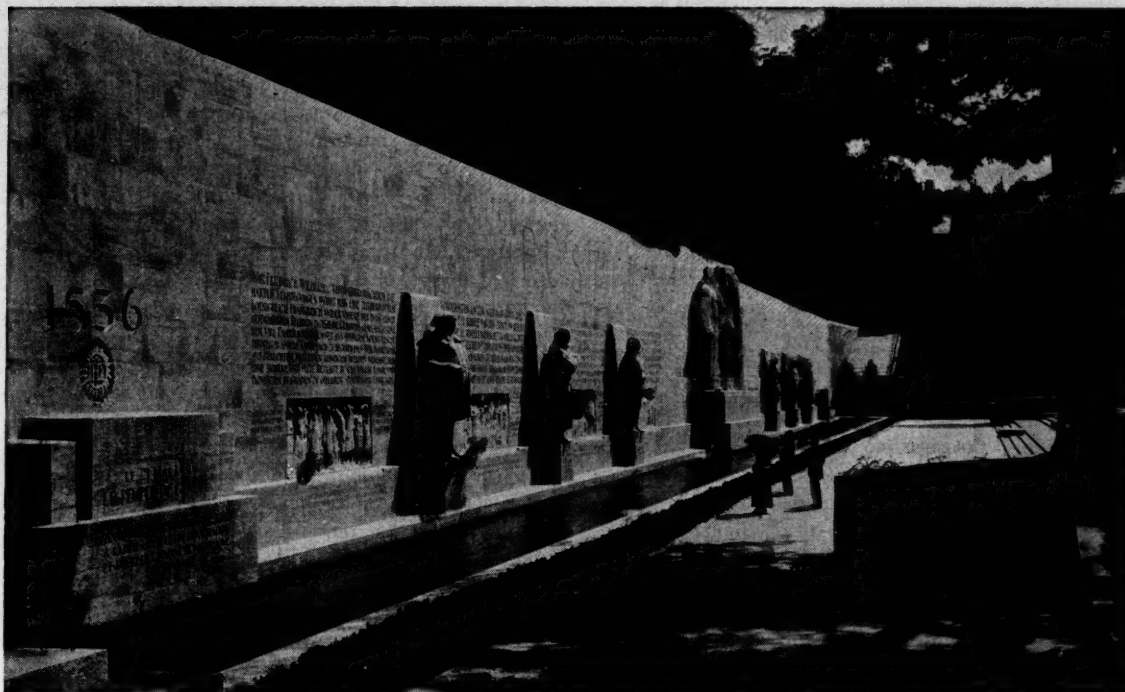




SWISS NATIONAL PHOTO

LIBERTY, 1955





J. PERES

Some of the leaders of the great religious awakening sculptured in stone on the noted wall of the Reformation on the campus of the University of Geneva, Switzerland.

## John Calvin and Religious Liberty

By JOSEPH MARTIN DAWSON, D.D.

**J**OHN CALVIN'S INCALCULABLE INFLUENCE on our republic gives to the Genevan more significance in the eyes of Americans than we usually accord to Martin Luther, the outstanding leader of the Protestant Reformation. Indeed, Calvin's importance to the world is to be measured chiefly by his internationalism. From his city-state flowed a steady stream of preachers, evangelists, theologians, writers, and politicians that disseminated his ideas in France, England, Scotland, Holland, Poland, Hungary, as well as in America, making him the virtual educator of nations. For this reason alone, if not for others, his stand on religious liberty detracts from his glory.



Across the Rhone River in the middle distance can be seen the Cathedral of Geneva. Near the cathedral is the old church where Calvin preached when Geneva was an independent city and this Reformer was not only its religious leader but its civil guide as well. In this picturesque view vacationers are starting out the day with a trip on the water past the city of Geneva, one of the principal municipalities of Switzerland.

Anyone who makes bold to assert this leaves himself open to instant attack. Calvin's continuing hold upon Congregationalists, Baptists, Presbyterians, Lutherans, and others from the days of the Puritans till Karl Barth, Reinhold Niebuhr, Elmer Homrighausen, and John Mackay has resulted in such veneration that to many such a statement appears a sacrilege, or at least demands careful explanation.

The explanation is forthcoming at once in the assertion that Calvin's concept of church-state relations as a whole was fundamentally defective. To point out his error in respect to this is easier than in the case of Luther, for Calvin, unlike Luther, characteristically defined his position on all questions with extreme clarity, and in the matter of the church-state issue he is not to be misconstrued. Yet we cannot deny Calvin's contribution to human freedom, notwithstanding.

In his *Institutes* Calvin says: "As we lately taught civil government is distinct from the spiritual and internal Kingdom of Christ, so we ought to know that the two are not adverse to each other." So far, so good. But when he goes on to say of the state

that to it "is assigned, so long as we live among men, to foster and maintain the external worship of God, to defend sound doctrine and the condition of the church," he means that church and state are practically inseparable, as indeed was the case in his theocracy. He construes the functions of both as identical when he says that God has put the sword into the hands of magistrates to suppress sins committed not only against the second table of the Ten Commandments, but also against the first table! This meaning is unmistakable, for he goes on to say, "The magistracy is to remove and prevent all idolatry and false worship, that the Kingdom of Antichrist may thus be destroyed and the Kingdom of Christ promoted."

We should not become apprehensive about the word "promoted" if it were not for the further injunction, "Not only are the magistrates admonished to submit to the domination of obedience of God, but also to use all their power in order to maintain the church and to defend the true religion."

The plain implications of his injunction are that the state is to provide for the support of the church and to determine what is true religion and what is not. Not only so, but he enjoins the Christian princes to "bring the church into being when it does not as yet exist."

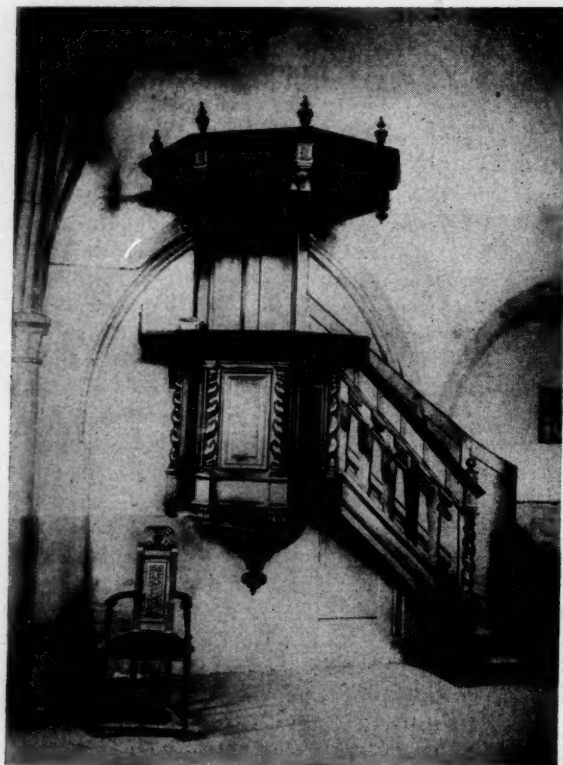
Calvin, the Frenchman, was a pronounced activist. When, at the age of twenty-seven, he took over the

religious leadership in the independent city of Geneva, which had thrown off the yoke of the Duke of Savoy, he dreamed of making a holy commonwealth, a city that was a church. To accomplish this he had to be intolerant. Those who did not subscribe to the constitution of his holy commonwealth had to leave. The Catholic religious orders departed at once, or became subservient. Those excommunicated, if not reconciled within six months, also had to get out. Instead of decreasing, the population grew rapidly, for religious refugees flocked in, fleeing persecution in Spain, Italy, France, and even England. Thus what the Anabaptists aspired after, a pure church composed of the regenerate, Calvin thought to achieve by making citizenship in the state identical with membership in the church. The same old error of coincidental memberships in church and state over again under a new guise!

This posed the acute question, What should be done with heretics and dissenters? For Calvin the creed admitted of no uncertainty: Either one subscribed or he did not, and woe to him who did not! "A traitor to God," he proclaimed, "is also an enemy of the human race and worse than a murderer because he brings poor souls to perdition." He spoke without hesitation, "God makes plain that the false prophet is to be stoned to death without mercy. We are to crush beneath our heel all affections of nature when his honor is involved." By this principle, child might be parted from parent, wife from husband, friend from friend—all in loyalty to the holy commonwealth!

Such severity led inevitably to the burning of the heretic, Michael Servetus. This passerby in Geneva was a Spaniard, born in 1511, some years after the rigors of Torquemada and the Inquisition had subsided from their peak. At the University of Toulouse he had come to doubt the doctrine of the Holy Trinity. Strangely enough, he clung to belief in Jesus Christ as Saviour and Lord, but in an unorthodox sense.

Catholic and Protestant lands alike would have none of him. He thought of fleeing to America, but finally went to France to live under an assumed name, working as an editor in the city of Lyon. Tiring of this work, he went to Paris and studied medicine, in which he grew to be distinguished. Later in Strasbourg he accepted the Anabaptist view that the church should be composed of believers only, as well as a conviction of the early return of the Lord to set up His kingdom.



It is interesting to see the pulpit from which John Calvin preached his sermons and controlled much of the religious thought of his day. The great Scotch Reformer, John Knox, also preached to the English congregation from this same pulpit when he visited Switzerland. Calvin's chair is shown below.

Seeking truth, Servetus next turned to Neoplatonism, which enjoyed a great vogue among the Humanists in France. This affected his interpretations of Christ, so that he took up correspondence with Calvin, perhaps with a desire for help. He made no secret of his identity, and Calvin at first responded courteously, but gradually regarded him as a nuisance. Calvin sent him a copy of his *Institutes*, and Servetus, marking the margins with combative comments, returned it. Calvin then confided to a friend that if Servetus should come to Geneva, he would not get out alive.

Servetus reworked his manuscript entitled *Restitutio* and published it at his own expense under mere initials in a secret print shop near Lyon. For this he was arrested at the instance of the Catholics, but escaped. Four months later, one Sunday he was recognized in a Geneva church and his presence reported to Calvin, who immediately lodged against him with the town council a charge of heresy.

Some have tried to exonerate Calvin by claiming that he had Servetus jailed on political grounds, on the supposition that he had come to Geneva to join Calvin's foes, the Libertines, who were seeking to overthrow the government. Calvin's position at the time was extremely precarious. One of the Libertines was undergoing trial, and if Calvin's prosecution of the rebel failed, Calvin himself would have to go again into exile, and his movement might collapse.

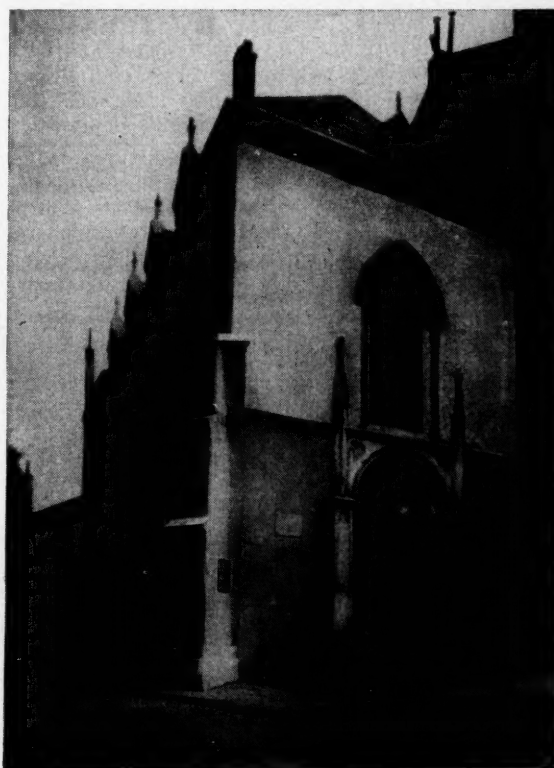
None would refute Servetus' own representation in court that he had arrived the night before and had asked his innkeeper to engage a boat that he might sail for Zurich the next morning. Servetus pleaded boldly, even arrogantly. The counts on which he was convicted were purely theological; not according to Genevan laws, but on the basis of the Code of Justinian, which proscribed the penalty of death for a denial of the Trinity and a repetition of baptism. When Servetus asked for a lawyer, he was told he could lie well enough without one. Calvin did not enter the courtroom, and those who condemned him to be burned were the members of the town council, who had been advised of concurrence by the Swiss Protestant cities. But the accuser had been Calvin, and Servetus' death has correctly been attributed to him. Servetus died at the stake crying, "O Jesus, thou Son of the Eternal God, have pity on me!"

As the actual head of the city-state, John Calvin dealt harshly with numerous offenders for alleged crimes, many of which involved conscience. The

case of Servetus as a *case celebre* somehow has been made to appear as exceptional. Just why the execution of this one man should be regarded as so much worse than the fate of thousands who suffered for their faith is very remarkable. Roland Bainton, the Yale historian, thinks the strange circumstance may be explained by the fact that "hitherto the voices raised on behalf of liberty had been few and little regarded," but Servetus dramatized a point of departure for toleration within Protestantism.

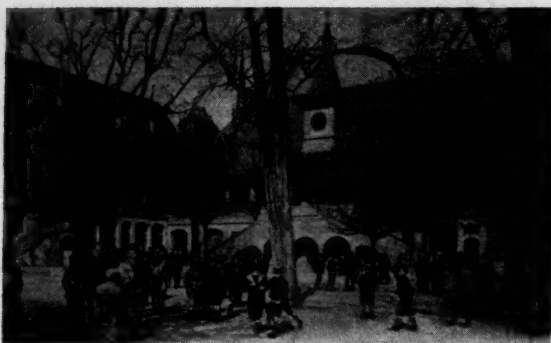
In the light of Calvin's creed and deed, how can we say that Calvinism has advanced religious liberty? As in the case of Lutheranism, the answer is to be found in the larger implications of Calvinism, outworking in the life of the world long after Calvin was no more.

A discriminating scholar, Norman Towar Boggs, has said with a touch of irony: "His pattern was to be useful elsewhere later. This civil pattern, in which the theologian was the mentor of the magistrate, the preacher the instigator of the police, and in which the laity were made participants in ecclesiastical government, insisted on no particular *form* of government, provided only that the sovereignty of God, as entrusted to the elect, was uncontroverted. All that was necessary was an unquestioned *law*, which the reason and conscience of the elect approved. Theocracy was soon to prove but the transient form for this new type of civil government.



The church of long ago where Calvin, the Frenchman, preached. He took over the religious leadership of the independent city of Geneva at the age of twenty-seven. His dream was that someday he would make a holy commonwealth, a community that was not only a city but also a church.





Back in the early sixteenth century, this school in Geneva, Switzerland, was known as the College of Calvin.

Calvinism was to lay down a new pattern for the world Luther had freed, which tacitly declared *freedom* to be well enough, if only it be regimented so to act as never to disconcert the God-approved ends and purposes of the elect."

Another less ironical scholar, William A. Mueller, has written: "Calvin's doctrine of the absolute sovereignty of God, his faith in the supreme governor of the Universe, saves man from craven fear of those

in power and makes stern prophets of judgment against all who in any way transcend their creaturely limitations to usurp to themselves the prerogatives of God." Thus by a paradox Calvin the absolutist (mayhap himself an aristocrat) reduced all authoritarians to the same level with the humble!

It falls out, therefore, that while Calvin did not favor democracy as such, he nevertheless set influences to work that in time led to the consolidation of personal liberty and the establishment of democracy. What he was most concerned about was the recognition that God is the primary source of all government regardless of form. Certainly democracy is hopeless without this recognition, for it would mean that every man is a law unto himself. The Puritan independents who accepted Calvin's premise—the real authors of religious liberty as we know it—demonstrated the worth and workability of the premise. That premise was that *law* (in Calvin's case, the law of the Scriptures), and not the *will* or *whim* of a potentate, must rule. Thus it came to pass that we in America regard our freedom as *freedom under God*, and thus record ourselves as Calvinists.

## Thomas Jefferson, American

By JESSE C. BURT, Ph.D.

**T**HOMAS JEFFERSON, third president of the United States of America, was born April 13, 1743, at Shadwell, in Virginia. He was a tall man, six feet two inches in height, lean, and had auburn hair. He married the former Martha Wayles Skelton of Virginia. Mrs. Jefferson died September 6, 1782, and Jefferson never remarried. There were six children born to this union. Only two of the children, both daughters, survived to maturity. Jefferson died July 4, 1826, at his beloved home of Monticello, near the great University of Virginia, which he founded.

As the New York *Times* has said, Jefferson has so grown in the respect of men in recent years that we now accept him as a foremost American. Many of the things we hold most dear in this land of the free, especially matters of religious liberty, came from this gentle and serene Virginian who could not stand the sight of blood.

Jefferson is one of the greatest American writers. It is said he never wrote a dull line. All his writing was by hand. To help him make copies of letters, he invented a copying device that was used for years. As a writer he is careful, polished, and easy to read. If you will read his letters, you will see that

Jefferson's chief interest in life was the new America. His phrase for America was, "The world's best hope."

He was not bragging. He was not just talking. He was speaking the truth. Read your history. Learn from it how the American Revolution set the world on fire because it resulted in a different type of country.

The era of the American Revolution produced men of stature. Washington has been called the Sword of the Revolution. Another outstanding leader of the American Revolution was John Adams, of Massachusetts. But the American poet, William Carlos Williams, says that Jefferson stands out as the only man to understand clearly what was taking place in the starting of a new country. He has been called the Pen of the Revolution.

The point of emphasis with Jefferson, the writer, almost always is that you cannot take liberty for granted. It is like a tree. A tree has to be fed in order to live and grow. So it is with liberty.

If you had to account for Jefferson's philosophy, you would see that he knew the Old World and its tired history. You would see that a turning point

in Jefferson's outlook came when he succeeded Benjamin Franklin as the American representative to France.

Up to then, Jefferson's feelings about "the world's best hope" had been in the abstract, gained from thinking and reading. But now, after five years of sophisticated society in Paris and London, his feelings were based on concrete observation.

This is the essence of Jefferson, that America was to be different. Here there was to be no grinding, cynical social structure. Here the common man was to have a chance. The last thing Jefferson ever wrote was his ringing, "The mass of mankind has not been born with saddles on their backs."

Jefferson was elected President in 1800. After two terms he declined a third term, as Washington did. As President, he was, though poor in public address and sensitive to criticism, a masterly politician. He is remembered for the Louisiana Purchase of 1803, which included that vast and immeasurably wealthy area between the Mississippi River and the Rocky Mountains.

The dictator of Jefferson's day was Napoleon, who set himself up as an emperor, to conquer the world. Jefferson was not fooled by Napoleon's glory, as many people were. He saw Napoleon as a tyrant. Probably the chief reason for Jefferson's recommending the purchase of "Louisiana" was to keep Napoleon out of America.

Many amusing stories still are told about the fuss in Washington City over President Jefferson's democratic manners. Jefferson's two presidential predecessors had driven to their inaugurals in carriages drawn by six prancing horses. On the day of his inauguration he caused a sensation by walking in the mud from his boardinghouse. He delivered his speech and then walked back.

To the absolute horror of the diplomatic corps at Washington, the Virginian abolished fancy titles, and he actually called dukes and earls by the title of "mister."

At the time there was a servile copying of Europe by many Americans, observing all the niceties of protocol. Jefferson gently abolished protocol by substituting the rule of "come and get it." A Frenchman observed that he had started the "rule of pell-mell."

We need not labor the point of Jefferson's personal democratic example, though it does suggest the courage of his convictions. This tremendously interesting Jefferson was no abstract democrat. He

expected no titles for himself, nor special privileges. As much as anybody, he caused us to call our Chief Executive by the plain "Mr. President."

Like the later Lord Acton, Jefferson feared absolute power because he understood well that absolute power is a corrupting force. This was so much a part of Jefferson that he said what was so descriptive of his high claim for liberty, "I have sworn upon the altar of God, eternal hostility against every form of tyranny over the minds of men."

What moved Jefferson to make this famed declaration? Sometimes we overlook the occasion.

In one area of the American nation there was a determined effort by a certain Protestant denomination to become the state-supported church, along the lines laid down in England, or for that matter, in France. But you would never know that this caused Jefferson to swear his eternal hostility, because the full statement that he made in 1800 is rarely quoted accurately.

He said: "They [the clergy] believe that any portion of power confided to me will be exerted in opposition to their schemes. And they believe rightly: for I have sworn upon the altar of God, eternal hostility against every form of tyranny over the minds of men."

That brings us to the question of Thomas Jefferson and the churches. There is some confusion about this, even today. A standard reference book used by



F. T. MERRILL, ARTIST

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Jefferson was very democratic and informal in many of his ways. Sometimes, instead of using a standard conveyance, he would travel to his appointments on foot. On other occasions he would ride horseback, as when he journeyed to Washington from his home in Virginia to assume the duties of the presidency.

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school children says that Jefferson was "practically a Unitarian, though not a church member."

The fact is, he was a vestryman of Fredericksville Parish of the Anglican Church from 1767 to 1785, and then of St. Anne's Parish. Moreover, he helped support his local church with gifts of money.

In 1816 Jefferson said of himself, "I am a *real* Christian, that is to say, a disciple of the doctrines of Jesus." A most careful study of Jefferson's own writings shows that he was, in fact, a religious man who saw the need and value of churches. There is no reason to apologize for Jefferson's alleged lack of religion, since the facts show, rather, that he lived a remarkable religious life and had a genuine religious experience.

The charge that he was opposed to churches came from his steadfast opposition to what he called "the

loathsome combination of church and state." It was he who drew up the act establishing religious freedom that disunited church and state in Virginia, and he asked that the fact be recorded on his epitaph.

In this, Jefferson was not "anti-" anything, but was "pro-" the proper advancement of religion. He said in 1786 that he opposed church and state union because "it tends only to corrupt the principles of that religion it is meant to encourage, by bribing with a monopoly of worldly honors and emoluments, those who will externally profess and conform to it."

Think through what Jefferson actually said.

"They pant to re-establish, *by law*, that holy inquisition, which they can now only infuse into public opinion."

He asked, "Are we to have a censor whose imprimatur shall say what books may be sold, and what we may buy?"

Again, "It is an insult to our citizens to question whether they are rational beings or not, and blasphemy against religion to suppose it cannot stand the test of truth and reason."

As President, Jefferson had occasion gravely to note that a few subtle steps had already been taken toward combining again church and state, the way it had been before the American Revolution. Was it not true, he asked, that the churches now had "stated and privileged days to collect and catechise"?

All these things came from the pressure among churchmen to imitate Europe, and to go back to the old ways that the great social movement of the American Revolution had changed. We sometimes forget what a dramatically sweeping change our Revolution was!

Then the humble Baptists of Danbury, Connecticut, sent him their address condemning combinations of church and state. Would President Jefferson care to comment? He would. As he confided to his attorney general, "It furnishes me an occasion, too, which I have long wished to find."

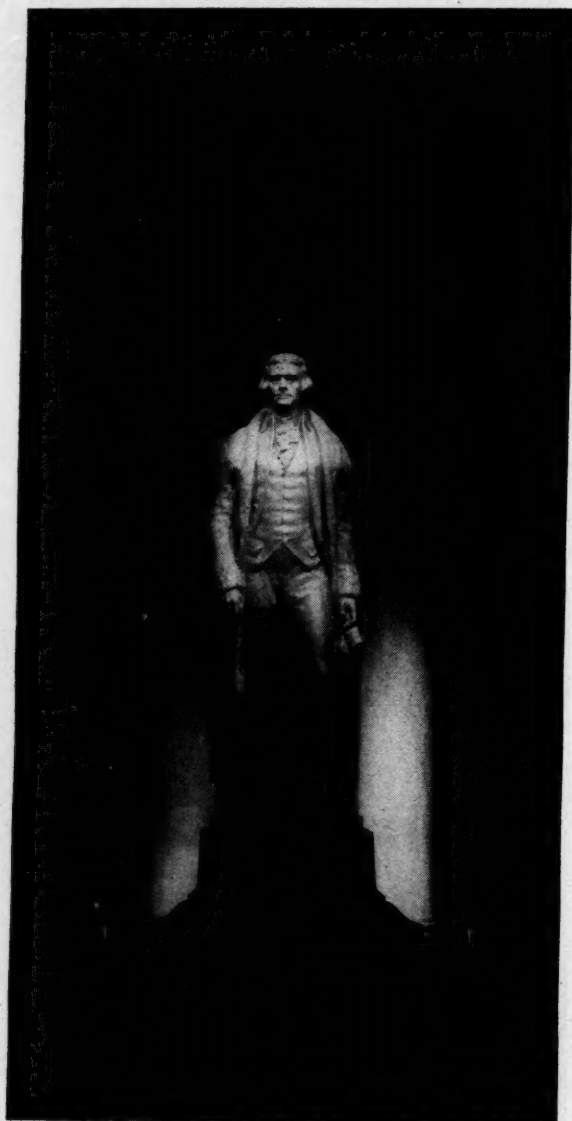
Anybody who writes very much knows that writing is a most delicate proposition. Contrary to those who would imply that President Jefferson's response to the Danbury Baptists was tossed off in a moment, the fact is that Jefferson took his time. Contrary to those who say his classic response was merely "one man's opinion," Jefferson actually consulted with his attorney general to make sure his statements about the American system were tenable.

With the greatest care, the deliberate Jefferson wrote the Baptists:

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Jefferson the patriot. There he stands amid the shadows of his impressive memorial in the nation's capital, honored by his countrymen and revered by all who believe in the principles of democracy.

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HORYDCZAK



Jefferson served as a vestryman with two different Anglican church groups in his home State of Virginia. In one of them he helped to direct its affairs for about eighteen years. His local church always received his generous support and financial help. Jefferson was a man of religious convictions and said himself that he was "a disciple of the doctrines of Jesus." What he was in earnest about, however, was that the church should lean upon her Lord and not upon the state for support and guidance. His act for establishing religious freedom in his home State is among the most important and vibrant of all of our foundation principles.



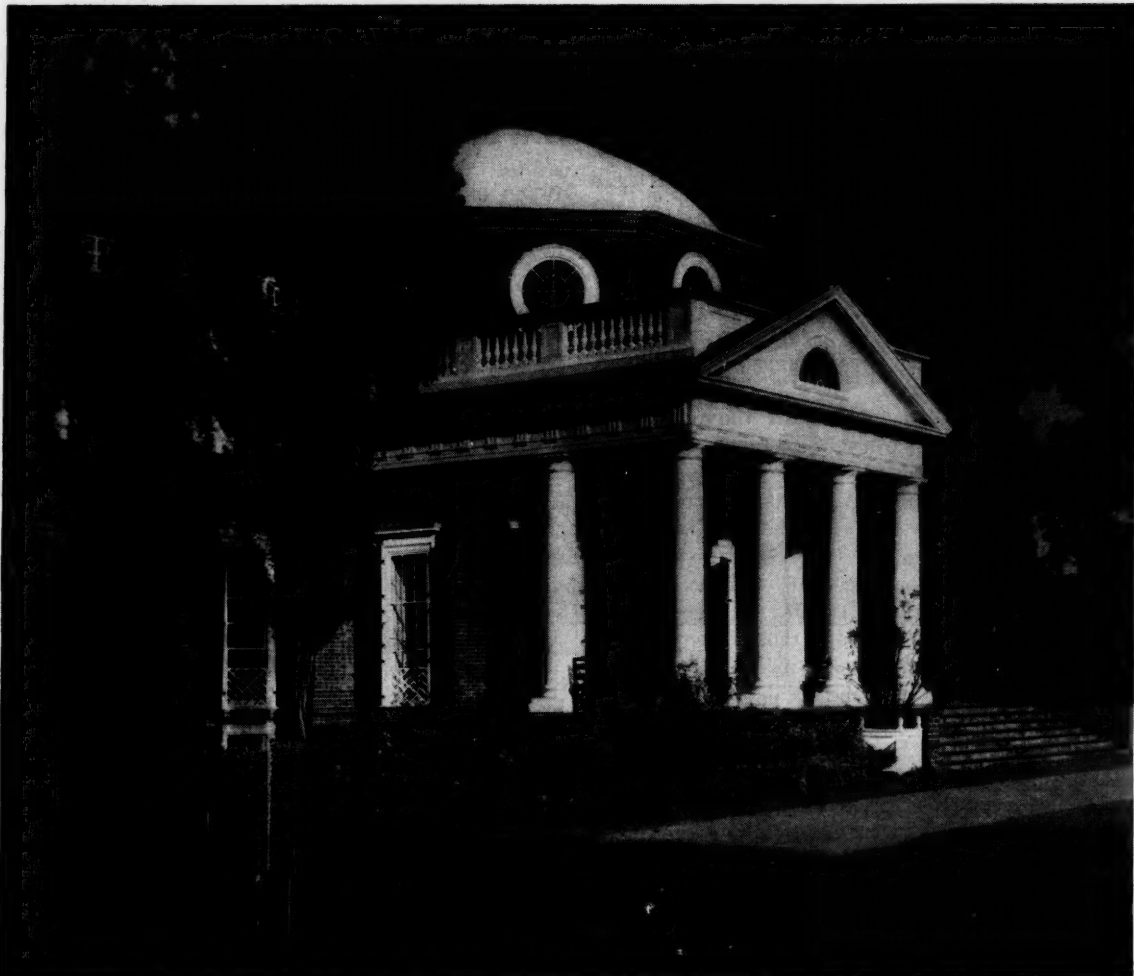
"Believing with you that religion is a matter which lies solely between man and his God; that he owes account to none other for his faith or his worship; that the legislative powers of government reach actions only, and not opinions,—I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should 'make no law respecting an establishment of religion, or prohibiting the free exercise thereof,' thus building a wall of separation between church and state."

As the United States Supreme Court twice has recognized in the past few years, "the wall of separation" is exactly what Jefferson said it is, and the First Amendment to the Constitution says what it means to say, and means it.

Yet the wall of separation has been subjected to the most intense hair splitting. Is the wall made of bricks? How high is it? Is there glass on the top? If these questions seem utterly absurd, you should read some of the writings of those who contend that Jefferson did not say what he said!

The wall of separation is here, a fact in American life. And, unless the whole American people become indifferent, it will remain.

Jefferson passed to his rest the same day that John Adams died. They had become fast friends in their old age. In dying, John Adams was heard to say, "Thomas Jefferson—still—lives—the country—safe." The ideas of Jefferson, and of Adams, who shared Jefferson's wall of separation doctrine, still live in the liberty we enjoy.



JOSEF MUNICH

Monticello, the home of Thomas Jefferson near Charlottesville, Virginia.



FROM PROTESTANT EXHIBITION, LONDON, 1930

A part of the noble army of English martyrs during the sixteenth century.

## Defenders of Religious Liberty

By LOUIE D. NEWTON, D.D.

[Dr. Newton is a leading Baptist of the Southern Baptist Convention, for years pastor of the Druid Hills Baptist church. He was president of the Southern Baptist Convention 1947-1949. He is a popular and convincing preacher. His membership in numerous church committees and institutional boards qualifies him further to discuss the relation of Baptist hospitals to Government support.—Ed.]

**T**O DISCUSS ADEQUATELY the reaction of Southern Baptists regarding Government grants to church-related hospitals under the Hill-Burton Act, it is necessary to state as a brief background the time-honored position of Baptists in the field of religious liberty.

Dr. Rufus M. Jones, respected teacher and writer in the Society of Friends, wrote: "Judged by the reception it met at the hands of those in power, both in Church and State, equally in Roman Catholic and Protestant countries, the Anabaptist movement was one of the most tragic in the history of Christianity; but, judged by the principles which were put into play by the men who bore this reproachful nickname, it must be pronounced one of the most momentous and significant undertakings in man's eventful religious struggle after the truth. It gathered up the gains of earlier movements, and it is the spiritual soil out of which all nonconformist sects have sprung, and it is the first plain announcement in modern history of a program for a new type of Christian society which the modern world, especially

in America and England, has been slowly realizing—an absolutely free and independent religious society, and a state in which every man counts as a man, and has his share in shaping both Church and State."—*Studies in Mystical Religion*, p. 369.

### Who Were These Anabaptists?

Space does not permit a full review of these heroic souls who resisted civil and ecclesiastical coercion even unto death; but one must note the high lights of the Anabaptist movement in Switzerland in the year 1525, when Conrad Grebel and Felix Manz were put to death: Grebel dying of starvation in prison, and Manz bound and thrown into the river. Michael Sattler was burned at the stake, and in 1529 Georg Blaurock was burned. Other martyrs in and about Zurich were Hans Denck and Pilgram Marbeck. Balthasar Hubmeier, perhaps the most brilliant of this particular group of Anabaptists, was burned in Vienna in 1528.

Seeking asylum in the British Isles were numerous Anabaptists in the fourteenth century. John Wiclif's death in 1384 summoned new voices to proclaim religious liberty, and we read of men and women burned at the stake for their convictions. But the more the Anabaptists were persecuted, the more they grew in numbers and in influence.

John Smyth, a Cambridge graduate and a staunch Baptist, formed a Separatist church in England

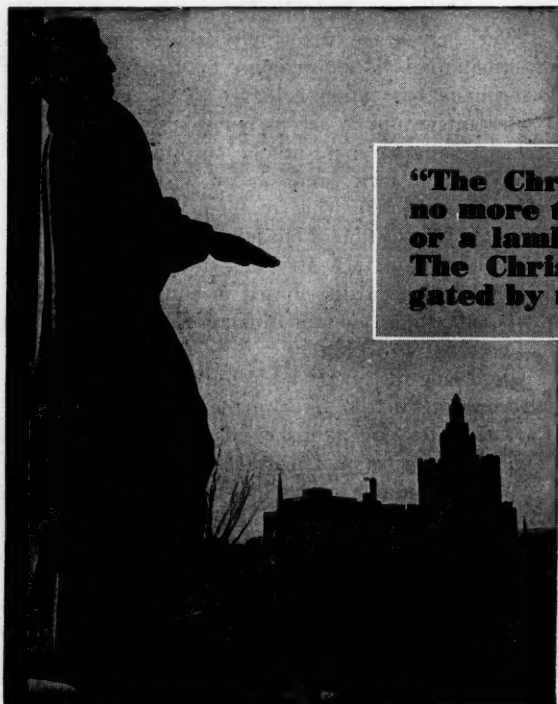
Many of the desires and hopes of mankind for freedom had their roots in the forbidding blackness of the Dark Ages. When the light of the Reformation shed its brightness across the centuries, the results of the work of those who were ignorant, misguided, or base at heart were clearly seen. Thousands upon thousands in many lands had been cruelly put to death, not for wrongdoing, but for defending the faith of their fathers. Prominent among these were the Anabaptists, who suffered for their beliefs and many of whom gave up their lives in the various countries of Europe, from Austria to England. The link led on through Roger Williams to the struggle for religious liberty in the New World.

about 1602. Harassed by persecution, the members fled to Holland, where they had heard there was freedom of religion for all men under the stadholder William of Orange. It was during the stay of John Smyth and his associates in the Netherlands that the first written declaration of Baptists concerning religious liberty was released:

"The magistrate is not by vertue of his office to meddle with religion, or matters of conscience, to force and compell men to this or that form of religion, or doctrine; but to leave Christian religion free, to every man's conscience, and to handle onely civil transgressions . . . for Christ onelie is the King, and lawgiver of the church and conscience."—WHITLEY, *A History of British Baptists*, p. 27.

### Return to England

Thomas Helwys and other members of the Baptist Church in Holland returned to England. Helwys addressed a petition to James I, in which he stated: "The King is a mortall man and not God, therefore hath no power over y mortall soules of his subjects to make lawes and ordinances for them and to set spirituall Lords over them."—CARPENTER, *Roger Williams*, pp. 183, 184.



JANE PITTS FROM SOBELMAN

THIRD QUARTER

Helwys was thrown in Newgate prison, where he is supposed to have died. John Murton, also imprisoned with Helwys in Newgate, wrote a pamphlet that fell into the hands of Roger Williams. Williams was so impressed that he wrote:

"The Arthour of these arguments against persecution, being committed by some then in power, close prisoner in Newgate, for the witness of some truths of Jesus, and having not the use of pen and inke, wrote these arguments in milke, on sheets of paper, brought to him by the woman his keeper, from a friend in London, as the stopples of his milke bottle. In such paper written with milke nothing will appeare, but the way of reading it by fire being knowne to this friend who received the papers, he transcribed and kept together the papers, although the Arthour himselfe could not correct nor view what himselfe had written."

### The Struggle Leads to the New World

Thus began the struggle for freedom of worship in England, and thus we find the link that leads on, through Roger Williams, to the struggle for religious liberty in the New World.

Leaving the dramatic and inspiring testimony of such English Baptists as John Milton, John Bunyan, and John Clifford, we take up the trail of Roger Williams, the American Apostle of Religious Liberty. It is the familiar story of Roger Williams, John Clarke, and other heroic souls fleeing persecution in Salem to pitch their tents in Providence, where they constituted the first Baptist church on American soil, 1639.

Not only did Williams issue his famous Manifesto of 1638, declaring religious liberty in the Colony, but with Clarke he went back to England and got

**"The Christian church doth not persecute; no more than a lily doth scratch the thorns, or a lamb pursue and tear the wolves. . . . The Christian religion may not be propagated by the civil sword."—Roger Williams.**

from King Charles II a royal charter, granting to the colonists the right to establish a government "with full liberty in religious concerns."

"These two young Baptists [Williams and Clarke] changed the course of history. They were the pioneers, who made possible America's greatest and most distinctive contribution to the science of government. They struck the heaviest blow ever delivered against religious persecution—the blackest blot upon Christianity—by wresting the sword of the state from the hands of ecclesiastical tyrants."—DR. RUFUS W. WEAVER, *Champions of Religious Liberty*, p. 112.



## The Movement Spreads

From Rhode Island the Baptist movement for religious liberty spread in every direction, chiefly towards the South, and principally in Virginia. There we come upon the names of Lewis Craig, James Ireland, John Shackelford, William Webber, David Barrow, John Pickett, Jeremiah Moore, Elijah Baker, John Waller, Reuben Ford, John Leland, Isaac Backus, and others, who went to prison singing:

"Broad is the road that leads to death  
And thousands walk together there;  
But wisdom shows a narrow path,  
With here and there a traveller."

These young Virginians won the attention of Thomas Jefferson, James Madison, Patrick Henry, George Mason, Benjamin Harrison, and others, and out of a background of abuses against civil and religious freedom, on December 15, 1791, the Bill of Rights was written into the Constitution of the United States as the first Ten Amendments, with the First Amendment declaring: "Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof."

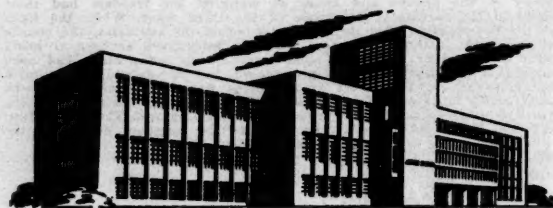
This, then, is in brief the background from which Baptists have come to the present hour of struggle to maintain a free church in a free state. Go back of modern times, if you choose, back to John the Baptist preaching what he believed, and going to prison under the order of Herod, later to lose his head, and wherever you come upon a Baptist—a real Baptist—you will find a man who will faithfully, though humbly, stand up to be counted when the precious principle of religious liberty is at stake. It is on this basis that I have dared to title this article concerning Baptists who insist on the separation of church and state, Defenders of Religious Liberty.

## The Hill-Burton Act

Coming now to the Hill-Burton Act, let us review, briefly, this important legislation.

The bill, offered by Senator Lister Hill, Democrat, of Alabama, and Senator Harold H. Burton, Republican, of Ohio, was passed in 1946. The original bill authorized \$375,000,000 as grants-in-aid for hospital construction over a period of five years. In 1949 Congress established a maximum expendable in any one year of \$150,000,000, and provided that the act should run until June 30, 1955. In 1953, two years before the expiration date already established, another extension was voted, this time to June 30, 1957.

Congress passed another amendment to the Hill-Burton Act in 1954, signed by the President on July 12, 1954, and known as Public Law 482, establishing the following annual schedule of grants-in-aid for hospital services: \$20,000,000 for hospitals



for the chronically ill; \$10,000,000 for nursing homes; \$20,000,000 for diagnostic facilities; and \$10,000,000 for rehabilitation facilities; a total of \$60,000,000 per year for the fiscal years 1955, 1956, and 1957. There was also a provision for \$2,000,000 for surveys of needs in the various States. The formulas for allotment and regulations and standards for facilities remained, apparently, very much as they were under the original Hill-Burton legislation.

The original bill, and the subsequent legislation, met very little opposition. Floor discussion was negligible in both the House and the Senate.

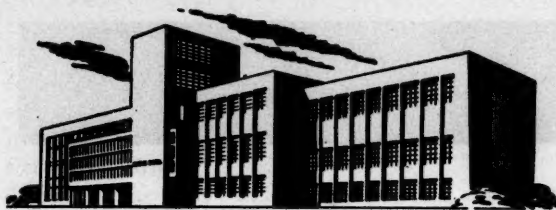
Distribution of the funds to church-related hospitals has been carefully studied by the Baptist Joint Committee on Public Affairs, through a research made by C. E. Bryant in 1952, and the percentage, as of that year, is of record that 78 per cent of hospital funds granted under the act have gone to Roman Catholic hospitals, and 22 per cent to Protestant hospitals. It is estimated that approximately the same percentage of distribution has obtained from 1952 to the present. Commenting on this percentage of distribution, Mr. Bryant says:

"The percentage favoring Catholic hospitals so overwhelmingly is not evidence of discrimination by government but rather evidence of the hesitancy of Protestant groups to accept federal funds. Scores of otherwise eligible non-Catholic hospitals have chosen to raise their own funds or go without expansion rather than violate what to them seemed a worthy principle [separation of church and state]."

At the time of Mr. Bryant's study in 1952, \$87,476,600 had been distributed to church-related hospitals, of which amount Roman Catholic hospitals had received \$68,143,000.

Discussing the question of church-related hospitals participating in the Hill-Burton funds, Larston D. Farrar, editor and publisher of the *Washington Religious Review*, is quoted by Mr. Bryant as follows:

"More than one cynic has observed that if denominational hospitals are going to be financed from public funds, they ought to be required to change the name of their institutions to include the word 'federal' on the masthead. Just as a private business that has been subsidized by the federal government has to give a full accounting to the public, these hospitals, in the opinion of many, ought to be forced to give regular public accounting to the public, for,



instead of being supported by private religious groups, they are, in effect, being supported by federal funds."

To date, little opposition has been heard in Washington to the allocation of Hill-Burton grants to church-related hospitals, though many citizens are disturbed. Oscar L. Chapman, for some time Secretary of the United States Department of the Interior, is quoted by Mr. Bryant as having said in an address:

"We have seen how dreadful forces, when they are tracked back to their source, grow out of spiritual shortcomings of people precisely like ourselves. Somewhere along the line, people consent to evil. The things that governments do in the long run, are things that the people are willing to have done. The sins of government are nothing but the sins of individual human beings on a larger scale."

### How Southern Baptists Reacted

Announcement of the Hill-Burton funds in 1946 brought immediate action on the part of the Southern Baptist Convention, many of the State Conventions, and local churches, pointing out the danger to the cherished doctrine of separation of church and state if Baptist hospitals sought aid from these Federal funds.

The Southern Baptist Convention in its session at St. Louis, 1947, adopted a strong appeal to the Baptist hospital management of the denomination to resist the temptation of accepting "easy" money at the expense of convictions regarding separation of church and state. Similar action followed in most of the State Conventions.

Strong pressure was brought in several instances to accept Hill-Burton funds, and in North Carolina, the Baptist hospital management did accept \$700,000. Immediately, the Baptists of that State were alerted, and in a called session of the North Carolina Baptist Convention, in Charlotte, the Convention voted overwhelmingly to return the money to the Government, the Convention pledging to raise a similar amount over and above its already liberal gifts for the new building program at the denominational hospital.

This action in North Carolina sounded the death knell of any further disposition on the part of Baptist hospitals in the South, owned by the denomination, to accept Hill-Burton funds. It has been one of

the fine hours of Southern Baptist life when Baptists resisted this temptation to lower their guard on the point of separation of church and state. Meanwhile, Baptists have gone on giving money for the expansion of their hospitals—both those owned and controlled by the State Conventions, and those owned and controlled by the Southern Baptist Convention.

### Strengthened Convictions

Dr. Joseph M. Dawson, for years the secretary of the Baptist Joint Committee on Public Affairs in Washington, D.C., made this comment:

"Baptists have again given their witness to religious liberty in refusing to accept Hill-Burton funds for their hospitals. We have qualified for fellowship with our forebears in the role of defenders of religious liberty."

I think it may be said, without boasting, that the example of North Carolina Baptists and the numerous refusals of other Southern Baptist hospitals to accept Hill-Burton funds reveal a constantly strengthened conviction on the part of Baptists to resist any temptation to violate the First Amendment.

### The American Baptist Bill of Rights

Let me close with a reference to the American Baptist Bill of Rights, written by that great advocate of religious liberty, Dr. Rufus W. Weaver, and adopted unanimously by the Southern Baptist Convention, May 20, 1939.

After citing the long record of Baptist allegiance to religious liberty and its inevitable corollary of separation of church and state, the Baptist Bill of Rights concludes with these words:

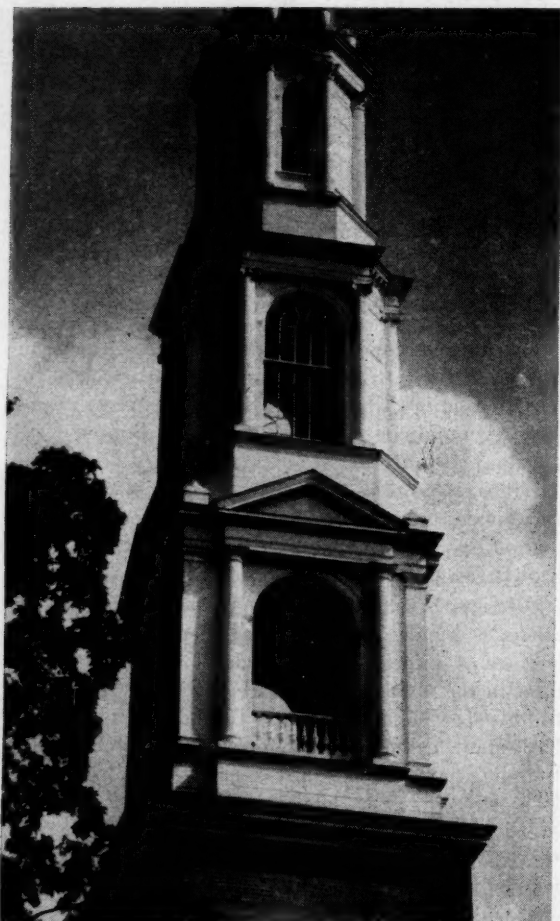
"Believing religious liberty to be not only an inalienable human right, but indispensable to human welfare, a Baptist must exercise himself to the utmost in the maintenance of absolute religious liberty for his Jewish neighbor, his Catholic neighbor, his Protestant neighbor, and for everybody else. Profoundly convinced that any deprivation of this right is a wrong to be challenged, Baptists condemn every form of compulsion in religion or restraint of the free consideration of the claims of religion. We stand for a civil state, 'with full liberty in religious concerns.'"

Baptists will not accept Federal funds for any phase of their work, remembering that the right to tax carries the right to govern. We intend to defend religious liberty for ourselves and for all mankind, cost what it may.

"Lurking in the shadow of every Federal dollar, wherever it may go, is a Federal bureaucrat. If it is Federal money the Federal government is responsible for its use."—RAYMOND MOLEY, Editorial, *Newsweek*, Feb. 28, 1955.

# The Religious Background of the American Revolution

By **WALTER A. RALLS, JR., M.A.**



GALLOWAY

**T**HE AMERICAN REVOLUTION cannot be explained in such simple economic terms as navigation laws and Townshend duties, or in the excited responses of Stamp Act congresses and Boston Tea Parties. One must look also in the direction of the unique intellectual and religious quality of the colonists who had in a century and a half changed strikingly from their English origins into something more definitely American. The British utterly failed

to realize that the old system of imperial control would no longer do for a society so highly cultivated, so extended, and so numerous.

One phase of revolutionary history, the religious, should be for advocates of religious liberty of particular interest. There are three aspects of this phase: the heated Colonial opposition to the appointment of an Anglican bishop in America; the part played by the colonial clergy in popularizing the issues of the day; and the religious provisions in the Quebec Act of 1774.

A word must first be said about how differently religion was organized in America than in England. In England the Anglican Church was established by law; in fact, it is frequently referred to simply as the Established Church. Everyone, Anglican, Catholic, and dissenter, paid taxes for its support. To vote and to hold office, even to get a degree from Oxford or Cambridge, one had to take communion annually in the Church of England. Strict dissenters and Catholics were thus restricted from a large area of public life.

However, in only six of the American colonies was the Church of England established, and even in these, the Anglicans were never a majority of the people of the colony. Thus in Virginia, Anglicans constituted about half of the population, with Presbyterians, Baptists, Methodists, and Moravians constituting the other half. In Maryland the Anglicans were decidedly in the minority. The same was true of the Carolinas and Georgia. New York hardly belonged in the established category, for only three counties had the Anglican Church as the state religion.

Of the other colonies, Massachusetts, New Hampshire, and Connecticut resisted Anglican establishment because the Congregational Church was virtually an establishment there. In Pennsylvania and Rhode Island a remarkable degree of religious freedom prevailed, with no church favored by the government. Other colonies saw dangers to religious liberty if Establishment came to them. They had the example of North Carolina, for instance, where al-



though there were only six Anglican ministers, no Presbyterian or other dissenting pastor could perform a legal marriage, nor could any man teach school unless he was an Anglican. In Virginia, Presbyterian and Baptist ministers were under burdensome disabilities.

As early as 1638 Archbishop Laud had seriously attempted to have a bishop come to America. But that was no time to extend the episcopate, what with Scotland furiously resisting Laud's attempt to establish episcopacy there. The resulting Bishop Wars in England and Scotland had led to the calling of the disputatious Long Parliament, and for twenty years the New England colonies had no fear of Establishment, nor indeed were they curbed in any direction.

Colonial dread of episcopacy continued, however, and when, in his anti-Puritan zeal, Governor Andros had an Anglican minister come to Boston in 1685, the Puritans could only refer to him as "Baal's priest," whose prayers were "leeks, garlic and trash," and his church "Egypt's Babylon."

An Anglican official who urged the episcopate for America a century later was none other than Thomas Secker, Archbishop of Canterbury. He became directly involved over the issue in a pamphlet war with Jonathan Mayhew in the years 1763-65. Mayhew declared that if the bishops could but once "get their foot in the stirrup" in America, they would ride the laity so hard that, "prance and flounce about" as they might, they would still "at length be so jaded and hacked by these reverend jockeys, that they will not even have spirits enough to complain that their backs are galled."

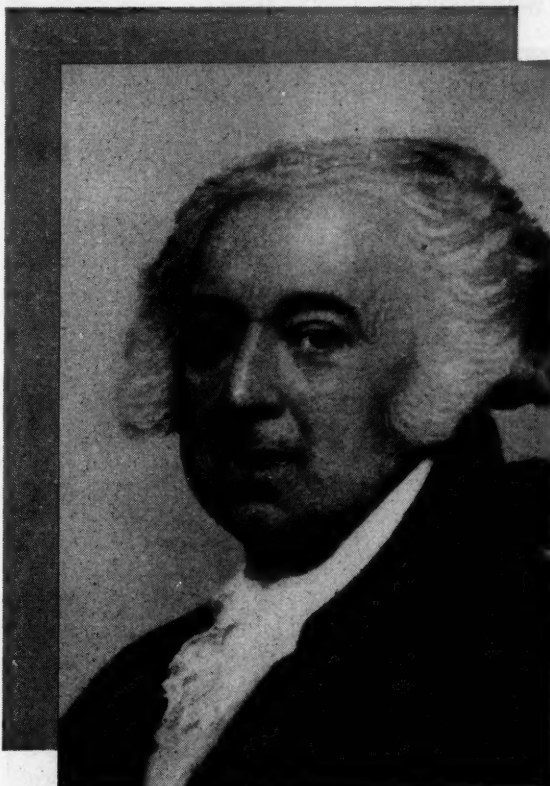
Mayhew maintained further that in the wake of bishops would come test acts, ecclesiastical courts, taxes for support of bishops, and what not. The archbishop's reply, according to John Adams, "spread an universal alarm against the authority of Parliament."

Others were soon drawn into the debate, which was distinguished for every quality but Christian kindness. Thus one dissenter declared, a little hysterically, "America is a Virgin as yet, undebauch'd by proud tyrannical Ecclesiastics." Another wrote, "Americans would be compelled [in the event of a bishop] to fall upon their knees in the streets and adore the mitre as the Apostolic Tyrant rode by in his gilded equipage." Worse, an American bishop would be "a political animal . . . and in this lies his Sting."

Next to Jonathan Edwards, Charles Chauncy was America's most able divine in the eighteenth century. His background was one of learning and culture, and he prided himself on his unemotional approach to religion. Chauncy became one of the leaders of the movement to stop the appointment of an American bishop. He flatly charged that those

who were for establishment had "in view nothing short of a COMPLETE CHURCH HIERARCHY, after the pattern of that at home, with like officers, in all their various degrees of dignity, with a like large revenue for their grand support, and with the allowance of no other privilege to dissenters but that of a bare toleration." One observer remarked that the sight of a bishop "in this country would be more terrible to us than 10,000 Mohawks."

The Massachusetts Legislature had in a letter written by Samuel Adams instructed its London agent to "strenuously oppose" establishment of a bishop in America. Three years later, in 1771, the Virginia House of Burgesses went on record as being similarly opposed to the plan. This requires a little explanation, for Virginia was officially Anglican. The important point to remember is that in the southern colonies where the Anglican Church was established, the leading planters felt an American bishop would interfere with the control they experienced in the church. Also, they believed it would "infuse jealousies and Fears into the Minds of the Protestant Dissenters." And on these grounds, the House of Burgesses voted their objection to an episcopate in America.



Long after the war John Adams said, "If the orators on the 4th of July really wish to investigate the principles and feelings which produced the Revolution, they ought to study . . . Dr. Mayhew's sermon on passive obedience and non-resistance."

Actually, the British Government was not committed to establishing a bishop in America, despite the pleas of important church officials. Such a move would have been at odds with their whole plan of centralizing the empire out of London. The government's view was that there was "no manner of Occasion for any Bishop."

Contemporaries, it is abundantly clear, thought the bishop issue contributed directly to the Revolution. Jonathan Boucher, a Loyalist, said it was "clearly one great cause." John Adams thought it helped "as much as any other cause, to arouse the attention, not only of the inquiring mind, but of the common people, and urge them to close thinking on the constitutional authority of parliament over the colonies." The leading modern authority on this problem, Dr. A. L. Cross, says, "If the question of the establishment of the Episcopate did not contribute a lion's share in causing that enmity to England . . . it is involved in the struggle and deserves to be regarded as an important part of it."

The episcopacy issue was not the only phase of religion significant to the struggle for independence. A whole generation of Presbyterian and Congregationalist ministers had preached doctrines of political liberty learned from Milton, Sidney, Locke, Hoadly,

and even from Montesquieu. Unlike their contemporary Anglican divines, they taught the duty and fear of God only, and not the duty and fear of kings. Their congregations heard the Lockian theory that government was accountable to the people, and that it was their right to choose their own rulers and fix the bounds of their authority.

Long after the war John Adams said, "If the orators on the 4th of July really wish to investigate the principles and feelings which produced the Revolution, they ought to study . . . Dr. Mayhew's sermon on passive obedience and non-resistance."

Patrick Henry's most famous speech before the Virginia House of Burgesses, where he was greeted with cries of "Treason! treason!" came directly from a sermon by Mayhew. Surely Mayhew was nothing if not unequivocal: "The hereditary, infeasible, divine right of kings, and the doctrine of non-resistance, which is built upon the supposition of such a right, are altogether as fabulous . . . as transubstantiation."

From his eleventh to his twenty-second year Henry had heard the eloquent Samuel Davies, and when he later said that "government is a conditional compact between king and people" he was echoing the very words of an earlier Davies sermon, which had held that the British constitution was "but the voluntary compact of sovereign and subject."

The supporters of king and Parliament had no difficulty noting this alliance between the dissenting clergy and the radical American political leaders. They accused the preachers of "unceasingly sounding the Yell of Rebellion in the Ears of an ignorant and deluded People."

As each of the fateful events from 1765 onward occurred, the Stamp Act, the Townshend Acts, the Tea Act, etc., the dissenting pulpits "thundered," to use John Adams' expression. At the Stamp Act crisis Mayhew preached from the text, "I would they were even cut off which trouble you." Later one of the ringleaders of the mob that destroyed Hutchinson's house said he had been led to it by this sermon. The German Presbyterian pastor of Savannah, Georgia, Rev. John Joachim Zubly, also preached on the Stamp Act, using the text later



Patrick Henry, the American patriot and Virginia gentleman, was strongly in favor of civil liberty, as he so ably and oratorically stated in his speech in St. John's church in Richmond, Virginia, in 1775. He had not yet learned the fact that church and state should be completely separate, for in 1784 he introduced a resolution in the General Assembly of Virginia favoring a general tax for the support of religion. This resolution was opposed and finally defeated by Madison's famous Religious Memorial and Remonstrance. Jefferson's Act for the Establishment of Religious Freedom in Virginia was passed in its place by the Assembly in December, 1785. Mr. Henry, however, stood with Jefferson and Madison on the matter of the rights of conscience. Some years before, he had dramatically defended and caused to be discharged some Baptist ministers who had been arrested for what he termed "preaching the gospel of the Son of God." Patrick Henry's name has come down to us as a symbol of liberty, a defender of the rights of man.

quoted so dramatically by Lincoln, "A house divided against itself cannot stand," and he went boldly on to deny the British right to tax. After the Boston Massacre, the Rev. Lothrop entitled his sermon "Innocent Blood Crying to God From the Streets of Boston."

The question naturally is, Were they listened to? The clergy did not have nearly the influence of earlier Colonial days, but there is ample testimony that theirs was still a powerful public appeal. "The spirit of their religion will like Moses' serpent, devour every other passion and affection." It must be remembered too that newspapers were then in their infancy. The church pulpit was a substitute. In 1770 the Merchants and Other Sons of Liberty gave in Faneuil Hall a banquet to the ministers in recognition of their patriotic services.

After the war came, the first provincial congress of Massachusetts acknowledged "with profound gratitude the public obligation to the ministry, as friends of civil and religious liberty." Rev. Samuel Langdon's sermon from the text, "As a roaring lion and a raging bear, so is a wicked ruler over the poor people," so pleased the same provincial congress that it voted copies sent to all Colonial ministers and to each member of the Continental Congress.

Further testimony is found in John Adams' reference to the "wonderful effects" the clergy in Philadelphia had and how they did "thunder and lighten every Sabbath." The close relation between word and deed is seen in the story of Pastor John Muhlenberg of the German church in Woodstock, in the Shenandoah Valley in Virginia. In January, 1776, he preached from Ecclesiastes, "A time of war, and a time of peace." At the conclusion of the sermon he cried, "There is a time to fight, and the time is here." Taking off his clerical robe, he stood in colonel's uniform, and three hundred of his congregation enlisted under him.

There remains one other religious issue that arose before the war. The Quebec Act of 1774 was passed with the best of intentions. Canada, it will be remembered, had come to the British in 1763, following the French and Indian War. The population was 90,000 French to some 600 English. Obviously, to require observance of British laws, customs, and religion would work severe hardships on the overwhelming majority in Canada. The Quebec Act was designed to give that French Catholic majority a large degree of freedom.

Certainly it was poor taste, in view of the Puritans' own reasons for coming to America, for them to protest the right of the French to religious liberty. But even some of the most responsible American voices joined in what was a propagandists' field day. The *Pennsylvania Packet* of October 31, 1774, is typical when it wails, "We may live to see our churches converted into mass houses, and lands



H. A. ROBERTS

Young America! To you has been given a birthright of freedom, the heritage of a goodly land; to keep and to hold, to cherish and to preserve, for generations yet unborn. Guard well your noble estate.

plundered of tithes for the support of a Popish clergy, the Inquisition may erect her standard in Pennsylvania and the city of Philadelphia may yet experience the carnage of a St. Bartholomew's Day."

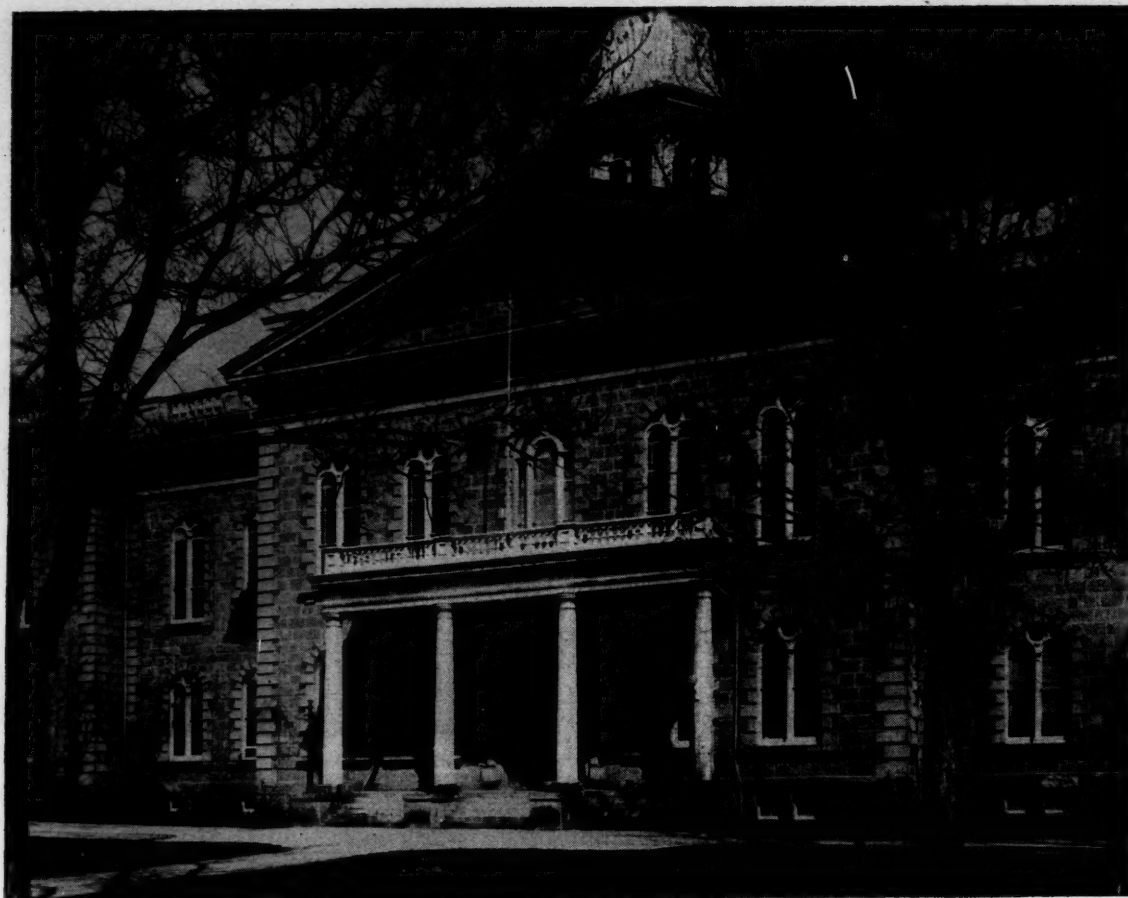
The British contended that the Quebec Act pleased God if not the Continental Congress, and none other than John Wesley held that it was a milestone in religious toleration.

But the timing of the act could hardly have been worse from the British point of view, or better from the American. News of it reached America just as the Continental Congress was preparing to meet in Philadelphia. It gave the radicals there an emotional talking point and made the people "generally ripe for any plan the Congress might advise should it be war itself."

In it is evident that a desire, not only for liberty, but for religious liberty, was urged on the colonists. Some matters they understood, some they misunderstood, but they wanted to be free.

"The Americans were not only Protestants, but protestants from Protestantism itself, and from this fact, as Burke expressed it, a fierce spirit of liberty had grown up. This spirit the dissenting clergy communicated to a people far more influenced by what they heard in the House of God than we in these degenerate days can comprehend."—C. H. VAN TYNE, *American Historical Review*, 1913, p. 64.





The Capitol building of the Silver State, Carson City, Nevada.

## The Attorney General Rules Against Released Time in Nevada

*[This excellent legal opinion by the Honorable W. T. Mathews, attorney general of the State of Nevada, is commended as a clear-cut statement of the basic principle of separation of church and state, and its application to the question of religious instruction through public school systems.—Ed.]*

Honorable Glenn A. Duncan  
Superintendent of Public Instruction  
Carson City, Nevada

Public Schools—Released time from school attendance for purpose of religious instruction not authorized by the laws of Nevada. March 3, 1954

DEAR MR. DUNCAN:

You have requested the opinion of this office upon a question going to the very heart of the constitutional

policy of the United States and this State with respect to the separation of the State and the Church. You inquire as follows:

"Does the release of a student at the request of a parent during a study hall period, consistently for 45 minutes each day during the regular public school hours of such day and during the entire school year, for the purpose of attending a class in sectarian instruction off the school property and not utilizing public school teachers or facilities constitute a violation of any provision of the Constitution or the laws of this State?"

### Statement of Facts

The proponents of the released time program have submitted the following statement of facts:

**LIBERTY, 1955**

The following is an outline of the pertinent facts and circumstances surrounding the program of Seminary class instruction carried on by the Church of Jesus Christ of Latter-Day Saints in the Moapa and Virgin Valleys of Clark County, Nevada.

1. Time Classes Held:

a. Seven 45-minute periods each day, Monday through Friday. . . .

2. The classes are held off school property and solely on church property. There is to be no use of public school facilities whatsoever. . . .

3. The courses taught in these Seminary classes include courses in Old and New Testament History, the Bible as literature and Latter-Day Saints Church history.

4. The teacher of these Seminary classes is duly qualified and accredited by the State of Utah, holding a secondary teaching certificate of that State, and his salary is paid by the Latter-Day Saints Church and he is not supervised by Nevada public school authorities.

5. Each student enrolled in this Seminary program attends a Seminary class one 45-minute period each day, Monday through Friday each week, and each student attends his Seminary class only during a regular study or "free" period. He misses no regular class period in the public school curriculum.

Each student is permitted to attend Seminary class only upon the written request and consent of his parents filed with the principal of the public school he attends. . . .

6. Transportation of Students.

The public school system provides buses for the transportation of students to and from their public school classes. These buses transport to and from the public school buildings any student who is enrolled in the public schools; included among these students are those who attend the Seminary class. . . .

The Church of Latter-Day Saints is the predominating religion in the areas involved.

The Superintendent of Public Instruction advises that pursuant to the school law of this State and the curriculum and course of study provided for a school day, the regular study period provided therein does not constitute a "free period," but to the contrary constitutes a vital part and period of the school day and requires the attendance of the students thereto. He directs attention to the fact that under the law of this State it is compulsory that all children between the ages of seven and eighteen years shall attend the public schools of this State during all the time such schools shall be in session in the school district in which such child shall reside, save and except, as any such child may be excused therefrom under the exemption provisions set forth in Chapter 1, School Code, Section 1, 1947 Statutes, page 92. Such exemption provisions, however, do not provide any released time for the purpose of receiving reli-

gious instruction. It further appears that there is no statutory authority in this State for released time for sectarian instruction. . . .

We are further advised that students not taking the Seminary course of instruction are required to remain in the study hall during the study period while those students in the same class are released for the purpose of receiving religious instruction.

### Opinion

At the threshold of this opinion we think it apropos to discuss briefly the doctrine of the separation of the State and the Church as adopted and enunciated by a myriad of cases tried in the Courts of this country since the promulgation thereof by the Virginia legislature in 1786 when it enacted the famous Virginia Bill for Religious Liberty which provided:

"That no man shall be compelled to frequent or support any religious worship, place or ministry whatsoever, nor shall be enforced, restrained, molested or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief."

In 1789 some twelve amendments were proposed by Congress to the Constitution, ten of which were proclaimed in force in December of 1791. The first amendment so adopted provides:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. . . ."

The provisions of this amendment prior to the adoption of the Fourteenth Amendment was applicable or applied to Congress and not to the States. However, the Supreme Court of the United States in *Cantwell v. Connecticut*, 310 U.S. 413, and other U.S. cases, held that the provisions of the First Amendment were by the Fourteenth Amendment made applicable to the States.

The United States Supreme Court in *Everson v. Board of Education*, 330 U.S. 1, speaking through Justice Black, after discussing the centuries of civil strife and persecutions in Europe generally generated in part by sects determined to maintain their absolute political and religious supremacy, with the power of government supporting them at various times and places, and pointing out that such practices of the old world were transplanted to and began to thrive in the soil of New America, and discussing the Virginia Bill of Rights, and the fact some States persisted for a half a century after the adoption of the First Amendment in imposing restraints upon the free exercise of religion and in discriminating against particular religious groups, said at page 16:

"The 'establishment of religion' clause of the First Amendment means at least this: Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or

professing religious beliefs or disbeliefs, for church attendance or non-attendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. *Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups and vice versa. In the words of Jefferson, the clause against establishment of religion by law was intended to erect 'a wall of separation between church and State.'* *Reynolds v. United States, supra* at 164." (Italics ours)

In the recent case of *Bernard Tudor v. The Gideons International*, decided December 7, 1953 by the Supreme Court of New Jersey, and reported in 100 Atl. 2d 857, Adv. Op., a case concerning the furnishing to each of the children in the public schools of Rutherford, New Jersey, a Gideon Institute Bible, consisting of King James Version of the New Testament and the book of Proverbs and Psalms. Parents of children who desired Bibles signed request therefor, which Bibles were thereupon delivered to such children in the home rooms of the schools, other children were excluded from such rooms at time of presentation of the Bibles. The Court after an exhaustive examination of the facts and the law held that such practice was invading the constitutional doctrine of the separation of the State and the Church. . . .

"At the very first session of Congress the first ten amendments, or Bill of Rights, were proposed and largely through the efforts of James Madison were adopted, the First Amendment providing that 'Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.' It took us over fourteen centuries and an incalculable amount of persecution to gain the religious tolerance and freedom expounded in 313 A.D. by the rulers of the Roman world.

"The First Amendment, of course, applied only to the federal government, but it has been held that upon the adoption of the Fourteenth Amendment the prohibitions of the First Amendment were applicable to state action abridging religious freedom, *Cantwell v. Connecticut*, 310 U.S. 296, 303, 84 L. ed. 1213, 1217, 60 S. Ct. 900 (1940)."

Later in the opinion the Court said:

"We are well aware of the ever continuing debates that have been taking place in this country for many years as to the meaning which should be given to the First Amendment. There are those who contend that our forefathers never intended to erect a 'wall of separation' between Church and State. On the other hand, there are those who insist upon this absolute separation between Church and State. The plaudits and the criticisms of the various majority, concurring, and dissenting opinions rendered by the United States Supreme Court in *People ex rel. Everson v. Board of Education, supra*, 330 U.S. 1, *People ex rel. McCollum v. Board of Education*, 333 U.S. 203, 92 L. ed. 648, 68 S. Ct. 461 (1948) and *Zorach v. Clausen, supra*, 343 U.S. 306, still continue.

"But regardless of what our views on this fundamental question may be, our decision in this case must be based upon the undoubted doctrine of both the Federal Constitution and our New Jersey Constitution, that the state or any instrumentality thereof cannot under any circumstances show a preference for one religion over another. Such favoritism cannot be tolerated and must be disapproved as a clear violation of the Bill of Rights of our Constitution."

There is no question but that the framers of the Nevada Constitution recognized the import of the First Amendment and in the Constitution provided that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this State. Section 20 N.C.L. 1929, Ordinance; Section 4, Article I, Constitution. Thus the Nevada Constitution, aside from the Fourteenth Amendment of the U.S. Constitution, prohibits the Legislature from making any law respecting the establishment of religion or the free exercise thereof.

But the establishment and maintenance of the public schools of this State constituted them one of the important temporal institutions of the State. They are such institutions that belong upon the opposite side of the wall from religious institutions and subject solely to the law governing secular institutions.

The framers of our Constitution provided therein for the exercise of the temporal power of the State in the establishment of its public schools.

Section 2, Article XI of the Constitution [of Nevada] provides:

"The legislature shall provide for a uniform system of common schools, by which a school shall be established and maintained in each school district at least six months in every year; and any school district neglecting to establish and maintain such a school, or which shall allow instruction of a sectarian character therein, may be deprived of its proportion of the interest of the public school fund during such neglect or infraction; and the legislature may pass such laws as will tend to secure a general attendance of the children in each school district upon said public schools."

Section 9, Article XI provides that "No sectarian instruction shall be imparted or tolerated in any school or university that may be established under this constitution." And Section 10 of said Article states that "No public funds of any kind or character whatever, state, county, or municipal, shall be used for sectarian purposes."

In furtherance of the non-sectarian provisions of the Constitution, the legislature many years ago enacted a statutory provision, now incorporated in the School Code of 1947, providing:

"Sectarian Literature Prohibited. No books, tracts, or papers of a sectarian or denominational character shall be used or introduced in any schools established under the provisions of this school code; nor shall any sectarian or denominational doctrines be taught therein; nor shall any school which has not been taught in accordance with the provisions of this section receive any of the public school funds."—Section 422, 1947 Statutes 256.

Thus there is a most clean cut division of the sectarian and secular powers contained in the Nevada Constitution. Religious freedom is guaranteed. The Legislature may make no law respecting the free exercise and enjoyment of religious profession and worship. On the other hand the Legislature may make no law which will allow sectarian instruction in the



public schools, nor permit the use of public funds of any character for sectarian purposes. Most certainly the constitutional provisions have effectively erected "a wall of separation between Church and State."

Such being the status of the constitutional law, the question propounded in the request for this opinion is to be answered upon the basis of the law governing a temporal institution, the public schools. . . .

The Supreme Court of Nevada long ago in *State v. McBride*, 31 Nev. at page 64, well said:

"It must be conceded as an elementary proposition that boards of school trustees and county commissioners are limited in their jurisdiction to the legislative authority conferred upon them."

To the same effect is *McCulloch v. Bianchini*, 53 Nev. 101.

A close examination of the temporal school laws of this State fails to disclose any express legislative act from which any implication can be drawn that empowers any school administrative officer or board to authorize or sanction the release of students from attendance upon the public schools during a school day for the purpose of receiving sectarian instruction even though such instruction is not imparted in the school buildings or on the school grounds. The fact remains that such release is for religious instruction, while those students not participating therein are required to remain in attendance in the school. In this connection, we think, it was well stated by Justice Frankfurter in *People ex rel. McCollum v. Board of Education*, 333 U.S. pages 227-228:

"Religious education so conducted on school time and property is patently woven into the working scheme of the school. The Champaign arrangement thus presents powerful elements of inherent pressure by the school system in the interest of religious sects. The fact that this power has not been used to discriminate is beside the point. Separation is a requirement to abstain from fusing functions of

Government and of religious sects, not merely to treat them all equally. That a child is offered an alternative may reduce the constraint; it does not eliminate the operation of influence by the school in matters sacred to conscience and outside the school's domain. . . ."

There is no question but what the Nevada compulsory school attendance law facilitates the imparting of sectarian instruction during the school day. Under the plan those students taking Seminary must attend the sectarian classes or else attend school classes daily. We think that any school administrative officer or board permitting and/or sanctioning the operation of the plan in question and who or which is not so authorized by a legislative act will be doing indirectly if not directly what the Supreme Court of the United States markedly pointed out cannot well be done in *Everson v. Board of Education*, 330 U.S. 1, that "Neither a State nor the Federal Government can, openly or secretly, participate in the affairs of any religious organization or groups. . . ." A most serious question may well arise whether even under the Constitution and laws of this State the Legislature of this State could constitutionally enact an act sanctioning the Utah plan. . . .

Entertaining the views hereinbefore set forth it is the considered opinion of this office that the released time program for sectarian instruction as set forth in the statement of facts and as administered is a program made effective in such a manner as to constitute at least an indirect method of injecting sectarian instruction into the public schools in question which could not be accomplished by direct action therefor, and by reason thereof breaches the Constitution wall of separation between Church and State.

The inquiry is answered in the affirmative.

Respectfully submitted,  
W. T. MATHEWS  
Attorney General

## Archaic Legislation

By DYRE DYRESEN

[A son of Norway shows the illogic of Sunday laws in the land of his birth.—ED.]

LAST SUMMER, a farmer in the community of Verdal in Norway was reported to the police for working in his fields on a Sunday. He had ripe grain awaiting his attention, and on this particular Sunday it was good weather. But the forecast was for rain on the next day, Monday. Being a practical man, he got out his equipment and had his crop taken care of before the rain came. But this he should

not have done, according to the law. Some zealous neighbors went to the police and swore out a warrant against him for having violated existing Norwegian legislation.

The particular regulation against work on Sunday under which the farmer was arrested, is part of a complex of laws dating back through the years to 1682. Once in a while zealous ministers in the Established Church have dug up this old legislation against a violator. It has also happened that neighbors have made use of it for personal ill feelings'

sake. Usually, wise police officers see to it that reports of violations are not taken too seriously. But the laws are there, and unfortunate consequences indeed would follow if the police were as concerned about these laws as are some citizens, moved by one motive or another.

A conservatism that has permitted these laws to remain on the books for all these years seems almost inconceivable in this twentieth century. With factories in the country operating twenty-four hours a day, seven days a week, such laws appear the more archaic.

The law of March 12, 1735, to which special reference was made in the farmer's case, bears this heading: "Regulations concerning the appropriate observance of the Sabbath and other sacred days, and the discontinuance of the misuse up to now manifested." The farmer in Verdal was in trouble because of paragraph two of the law: "No kind of labor,

having to do with farming and country economy, shall be done on Sunday or other sacred days, unless from dire necessity in the time of haying or harvesting, under bad weather conditions."

There was no system of public weather forecasting in 1735. In 1954 there was, and the farmer harvested his crops on Sunday after listening to the weather forecast given over the radio. But, newspapers in Norway report, if the forecast had turned out to be wrong and it had not rained that Monday morning, the farmer would have been guilty, according to the law.

Another Norwegian law, of November 7, 1682, reads: "Corpses of people of rank or nobility may remain above ground for more than eight days." Comments the Norwegian newspaper, the *Telemark Arbeiderblad*: "Another thing is that this law ought not to remain above ground eight days more." We agree.

## AS THE EDITORS SEE IT

### Belgium and the Parochial Schools

NEWS REPORTS of the rioting in Belgium against a government action cutting nearly ten million dollars from allowances to parochial schools call attention to the fact that the relation between church and state is not only a problem for countries like the United States, where church and state are separate by constitutional necessity, but also in countries where various types of a union of church and state are legal. Indeed, it must be pointed out that it is the union of church and state, in one form or another, no matter in what country, that creates the problems. We remind our readers again of what Lord Bryce, the English political scientist, and many expert commentators since, have said, that the United States, by keeping church and state separate, has avoided many of these problems, always troublesome and sometimes bloody. The rioting in Belgium is a case in point.

There are two principal types of schools in Belgium, as in many other countries professing Christianity: the secular, or public, school, financed and operated by the government; and the parochial school, operated by the Roman Catholic Church, but financed to a large extent by the government from the taxes of all the people. The argument supporting this practice is the familiar one, that Roman Catholics should not be under the necessity

of maintaining their parochial schools out of their own pockets, because such schools are providing the government with a system of education that otherwise the government would have to supply. Hence such schools should have government support, for if a Roman Catholic supports his schools out of his own pocket and must besides pay taxes for public schools, he is, it is argued, paying a double tax.

Back of this question lies the claim of the Roman Catholic Church that only it has the right to educate, since religion must lie at the basis of all education. But when a government undertakes to maintain a system of free schools, in order to develop a citizenry sufficiently literate to take part in democratic processes, it must have free course to develop its own system of schools. Any group of religious people enjoying the religious freedoms guaranteed in a truly democratic state must have the right to maintain its own system of schools, provided it gives to the pupils who attend, the education that the state requires to develop an alert citizenry. But if such religious people do maintain their own schools, they should do so at their own expense, and neither withhold from the state the taxes for the support of education that other citizens pay, nor demand from the state support for the parochial schools, which are teaching a particular brand of religion.

This becomes an acute problem where, as in Belgium, the majority of the people are of the Roman

Catholic faith. Hence the present difficulties in that country.

By the separation of church and state, leaving religion to attend to its own business at its own expense, with the state receiving the cooperation of all the citizens through the payment of taxes and other means in the carrying on of its proper enterprises, many of these problems could be avoided, or justly solved, when they emerge.

We recommend the application of the principle of separation of church and state, everywhere.

F. H. Y.

## **"In God We Trust"**

IN THE LAST YEARS of the War Between the States, the United States mint began putting on its coins the phrase "In God We Trust." Those years were years of anxiety and frustration and glimmering hopes. In that dark time it was felt that the minting of this expression of faith on the coins of the land might strengthen men for whatever the years had ahead. The expression has been on the American coins ever since. It is being urged that a similar slogan be printed on the paper money.

A liberty stamp has already been issued, and perhaps some two hundred million of them will be in circulation, bearing this slogan "In God We Trust." Millions of people in the United States and abroad will read on the stamp a striking religious expression. They will think of the American people in terms of this profession of religious faith. If LIBERTY were a periodical dealing with theology or matters of spiritual faith, this editorial might raise the question as to whether the faith of the American people is commensurate with the slogan.

But this is not our province. Protests have been received at the editorial desk pointing out that if there is liberty in this country, as the new postage stamp sets forth, official use of the formula "In God We Trust" puts in question the status of any citizen who does not profess a belief in a personal God. There is a question in the minds of many as to whether the continued and wider use of the slogan means that the United States Government is to turn its attention increasingly to religion and the propagation of religion, and if so, what particular kind of religion that is to be.

The extended use of this slogan does not stand as a lone instance. There have been repeated efforts to have inserted into the Constitution of the United States a statement that the Government of the United States operates under the authority and law of Jesus Christ. A committee of the last Congress rejected an amendment embodying this proposal.

The committee acted wisely. The United States Government was founded as a secular government. The Colonial Governments that preceded the Federal Government were for the most part not secular.

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In some of them there was a definite union of church and state. In only one, Rhode Island, was there complete religious freedom for everyone, regardless of his belief or lack of it. When the Federal Government was founded, its architects wished that organized religion and organized government should have between them a "wall of separation." Therefore, the Constitution as adopted kept itself strictly to inventing and authorizing a frame of government, and a frame of government only. Reference to education, culture, and religion were avoided.

Concerning religion the Constitution specified that there should be under the operation of the national government "no religious test" for public office. This provision is significant. It illuminates the intention of the early builders of the nation. A man can be of any religion, or no religion, and hold the most honorable place to which his fellow citizens might choose to elect him.

A public official has a right to his personal beliefs, and his value as a public official should be enhanced by the application of a religious ethic in his personal experience. But any move on the part of government to advocate and propagate religion should be watched with care. The separation of church and state must produce, as far as civil affairs are concerned, a secular government. A secular government is not one that is antireligious. It is a government that, no matter how religious the officials may be, or its citizens, carries on its secular affairs without either opposing or fostering religion.

Therefore, the issuance of coins or stamps by the United States Government carrying the expression "In God We Trust" deserves careful study. Seemingly harmless, seemingly helpful, such official use by government of a religious slogan could lead to what the Constitution forbids, and the American people are determined to avoid, a joining of government and organized religion.

F. H. Y.

## **A Blue Law Pending in Congress**

ON APRIL 21, 1955, Hon. Roy W. Wier, a Congressman from Minnesota, introduced a bill known as H.R. 5807 in Congress, which compels certain business establishments in the District of Columbia to observe Sunday and forbids them to open on Sunday—

"or furnish any merchandise or services to the public on Sunday, if such establishment is within any of the following categories:

- "(1) Grocery stores and delicatessens.
- "(2) Cleaning shops, laundries, pressing and dyeing shops, barber shops, and beauty shops.
- "(3) Furniture stores, radio and television stores, electrical equipment stores, and related salesrooms and warehouses and variety stores.
- "(4) Clothing stores (whether dealing in new or



used merchandise), pawnbrokers' exchanges, and small loan offices.

"Sec. 2. Any individual who violates the first section of this Act . . . shall be fined not less than \$25 nor more than \$100 for each violation; and upon the conviction of . . . the third violation involving the same commercial retail establishment, the license or permit (if any) of such enterprise to do business in the District of Columbia shall be revoked."

There are hundreds of other business establishments not mentioned in this drastic Sunday blue law that would be free to sell their products on Sunday. Also there are orthodox Jews, Seventh-day Adventists, Seventh Day Baptists, and Church of God people who observe the seventh day of the week as their Sabbath, instead of Sunday, and they would be compelled to rest two days each week under this Sunday law. It is unjust, unkind, unchristian, and un-American to enforce a religious obligation contrary to the First Amendment of our Constitution. Congress has turned a deaf ear to more than 150 compulsory Sunday observance bills in the past. We hope Congress will do it again.

C. S. L.

## Religion and Politics Do Not Mix

RECENT CONFLICTS in Argentina between the Peron government and the Roman Catholic clergy afford a good illustration of the fact that religion and politics do not mix. For many years there has existed a traditional bond between the Roman Catholic Church and the Argentine Government. Under the constitution the president of the republic must be a Roman Catholic, as is Peron.

For some time the government has paid the salaries of the two cardinals, the archbishops, the bishops, many parish priests, and has supported the Catholic parochial schools. In turn, it has had a voice in the appointment of bishops, and religious teachers in the parochial schools.

The Peron Government enacted a divorce law last December, which was an affront to the church, since it does not approve the granting of divorces. This started a heated controversy between the officials of the church and of the state. The clergy made vicious verbal attacks against the government's prerogatives to thus change the creed of the church.

The growing trouble erupted when Peron learned that the Catholic clergy was organizing its laymen into a new Christian Democratic Party, to oppose his government. He denounced the priests as "open enemies" of his administration. He had fifteen arrested for causing disturbances or showing disrespect for the president of the republic. Priests were discharged from teaching posts, and the church's authority over education was greatly curtailed. Because of the protests and opposition of the clergy to the

present government Peron has threatened to curtail or even cut off all government support of parochial schools.

The two principal government newspapers, namely *Democracia* and *La Presna*, which support the current administration, have launched an official campaign "to end Roman Catholicism's privileged status as Argentina's state church." *Democracia* is fostering the "fight to put the Catholic Church on a par with others."

Commenting on the two ways to deal with the clergy, *La Presna* states that:

1. "Punishment for the disturbing elements would be a lengthy process that one way or another would be a nuisance to all the community. It is not desirable, so there remains the other way:

2. "Elimination of all that now is the cause of friction."

The expression "the cause of friction" has reference to a union of church and state. The further suggestion is made that Argentina follow the example of the United States and "other advanced countries" by changing the constitution and eliminating "the bad faith of sectarianism."

Just before a recent election the Argentina Episcopate issued a pastoral letter to all Catholics and displayed large posters that advocated that "no Catholic may be affiliated with a party or vote for candidates which list in their platform the following principles:

"1. Separation of church and state.

"2. Suppression of legal provisions recognizing the rights of religion and particularly the religious oath, because such suppression is equivalent to a public and positive profession of national atheism.

"3. Lay control of education.

"4. Legal divorce.

"Catholics, Remember to Vote!"

The government has moved to appoint a lay "spiritual director" for all schools, and has restricted Catholic authority in education. It has closed the government-supported Catholic University at Santa Fe. It has also compelled the two Jesuit colleges in Buenos Aires, which it supported financially, to attach themselves to the university of that city, as public institutions.

The Pope has recalled his ambassador to Argentina, and Peron has retaliated by recalling his ambassador to the Vatican. Thus the friction between church and state in Argentina continues, and it will continue as long as such alliance exists.

There is one lesson that history teaches with unerring accuracy, that whenever the church forms an alliance with the state and the government gives financial and legal support to state religion, violent friction and bickerings have resulted, and not infrequently even bloody religious persecutions and wars. Such untoward conflicts do not happen where

a total separation of church and state exists, and where both the church and the state are free, independent, and distinctive in their own spheres. A union of church and state is a primary cause for conflict and controversy.

The American way of life has produced the most beneficent results for the church and for the state.

C. S. L.

## Nations Oppose World Calendar

IN CONSIDERATION of the subject of calendar reform, which, at the instigation of India, had been placed on the agenda of the eighteenth session of the Economic and Social Council of the United Nations, which convened in Geneva last July, the council adopted a resolution requesting the Secretary-General to obtain the views of countries of the world regarding the desirability of calendar reform and the proposed World Calendar. In harmony with this resolution a questionnaire was sent out by the United Nations early this year, to ascertain the views of all governments on the proposal to revise the existing calendar.

On March 21, the United States Government made its reply to the United Nations Secretary-General, Dag Hammarskjöld. In its reply the State Department says, "The United States Government does not favor any action by the United Nations to revise the present calendar." The text goes on to say that there is no great interest in calendar reform. It declares, "Large numbers of United States citizens oppose the plan for calendar reform which is now before the Economic and Social Council. Their opposition is based on religious grounds, since the introduction of a 'blank day' at the end of each year would disrupt the seven-day sabbatical cycle."

It further declares, "Moreover, this Government holds that it would be inappropriate for the United Nations, which represents many different religious and social beliefs throughout the world, to sponsor any revision of the existing calendar that would conflict with the principles of important religious faiths.

"This Government, furthermore, recommends that no further study of the subject should be undertaken. Such a study would require the use of manpower and funds which could be more usefully devoted to more vital and urgent tasks. In view of the current studies of the problem being made individually by Governments in the course of preparing their views for the Secretary-General, as well as of the previous study made by the Secretary-General in 1947, it is felt that any additional study of the subject at this time would serve no useful purpose."

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Moreover, the United States does not appear to be alone in the positive stand that it has taken against calendar reform and the proposed World Calendar. The United Kingdom of Great Britain and Northern Ireland in its reply to the United Nations states "they have found no evidence of a substantial national demand" for the adoption of the World Calendar, declaring, "On the other hand there is clear evidence of strong opposition to the proposal," and that its adoption would bring serious difficulties to adherents of many religions. Her Majesty's Government also points out that "they are not persuaded that the time is ripe for any examination of the question of calendar reform."

The Government of Sweden in her protest to calendar reform points out that "very serious objections must be raised against the proposed breaking of the continuity of the week days, a continuity which has existed from time immemorial, by creating world holidays without dates and outside the week system. It may well be doubted if a sacrifice of this continuity is not too high a price to pay for the benefits deriving in other respects from the proposed reform." She goes on to say, "It may on good grounds be contested that the consensus of opinion should find a new calendar necessary. It must also be denied that the proposed calendar should be more scientific than the present one; from a scientific point of view the deciding quality is the average length of the year and in this regard there is no difference between



I count only the hours that are bright.

—Ancient Sundial Inscription

the proposed calendar and the Gregorian one. With regard to criticism raised against the uneven distribution over the year of holidays and festival days, it may be pointed out that a more rational distribution is possible without altering the principles of the Gregorian Calendar."

The Netherlands Government asserts that "the interest in the Netherlands for a new calendar is

not such that it counter-balances the objections raised against a new calendar, especially by the Churches." The Netherlands Government points out that with few exceptions the business world is indifferent to calendar reform, which it maintains is apparent "from a recent meeting of the International Chamber of Commerce in Paris when the Chamber declined to put this item on the agenda."

In its reply to the United Nations the Australian Government informs the Secretary-General that it "believes the calendar at present in general use to be satisfactory and in consequence does not feel able to support proposals for any change."

The Italian Government in its response to the questionnaire declares that it "has failed to find in the proposed calendar reform the general and particular advantages which would commend its adoption." It further states that calendar reform has not won the support of any large body of Italian public opinion, nor has it received the support of the highest religious authorities, "which would have to be taken into account in any decision in the matter."

France, Switzerland, the Philippines, Portugal, Israel, Finland, Canada, and Norway make similar protests to the proposed World Calendar and to a consideration of calendar reform. The countries of Chile, Colombia, Costa Rica, Ireland, Monaco, and Paraguay point out that the proposed reform of the calendar involves spiritual and religious traditions, and that while for the most part they are not opposed to a consideration of the subject, they feel that in such a study, representatives of the Holy See and other religious bodies should have oppor-

tunity to express their views on the subject, and that these should be taken into account in considering any change of our present calendar. Yugoslavia suggests further study.

Turning to other countries where the preponderance of the population does not represent the Christian religion, we find that Japan manifests a rather neutral position, declaring that since calendar reform will undoubtedly have "far-reaching effects upon the social life in general, the adoption or otherwise of such new system should be carefully decided after full consideration has been given to the matter from various other points of view."

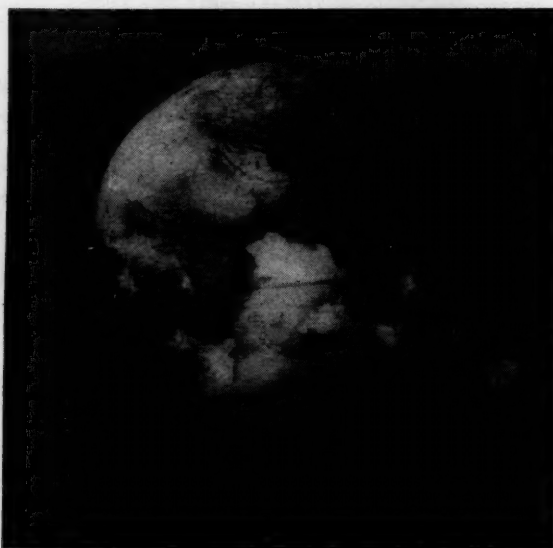
Nationalist China states, "The Chinese Government is not in favour of a world calendar reform at this time."

In the Mohammedan world, the Government of Pakistan states that it "is opposed to the proposed calendar reform on religious grounds. Since the proposed World Day and Leapyear Day would not be weekdays, the natural succession of Fridays which has continued regularly every seventh day throughout the Muslim era would be disturbed. This dislocation of Fridays would be unacceptable to Muslims to whom Fridays have special significance. The proposed calendar is therefore unacceptable to the Government of Pakistan."

Likewise, the opposition of the Buddhists, with their headquarters in Rangoon, Burma, is expressed by the Government of Burma in the following words: "The Government of the Union of Burma, after studying the new World Calendar proposed by the World Calendar Association of New York, find that there is an omission of a Week Day in every year and two Week Days in every leap year, and that this is against their religious practice. The Government of the Union of Burma regret that they are unable to support the proposal for the new World Calendar."

Of the twenty-six nations of the world that have reported and that have been tabulated by the United Nations as of April 4, 1955, only one country, namely, Thailand, reports in favor of the proposed reform. A few more nations have made reports since then, but the same general trend of opposition to calendar reform in general, and to the proposed World Calendar in particular, prevails.

It is interesting to note that many of the countries that have been reported to be in favor of the proposed World Calendar have in their official report to the United Nations voiced strong opposition to it. Not only have they voiced their opposition to the proposed World Calendar, but they also question the wisdom and justification of the expenditure of time and money for further consideration of the subject of calendar reform when matters of far greater importance confront the world. Likewise, other



EWING GALLOWAY

The solar day is still determined by the time interval between two successive transits of the sun's center over the same meridian. The lunar month is unchanged, and the solar year is still determined by the earth's revolution around the sun. The Sabbath, which is the only factor dividing time into the period of a week, still remains.



countries listed as favorable have raised questions as to the methods and procedure that should be followed in a study of this kind.

There is little evidence to indicate that there is any desire to give study to the subject of calendar reform at this time except by a very small group,

whereas there is overwhelming evidence that the world in general, representing practically all religions, is opposed to the consideration of any form of calendar reform that would disrupt the historic weekly cycle, thereby multiplying the confusion of an already troubled world.

A. W. J.

## BOOKS

**An Almanac of Liberty, by William O. Douglas**  
*New York: Doubleday and Company. 409 pages.*  
*Price, \$5.50.*

One of the nation's most distinguished liberals, this much-traveled, unconventional Justice of the United States Supreme Court, gives in this book his day-to-day views of our long and arduous democratic struggle for liberty. The book can be strongly recommended both for the professional and for the lay and casual reader.

Justice Douglas presents here 366 subjects to be read and enjoyed—one for each day, beginning with July 4. Each week of the year is used as a convenient vehicle to present a particular area of liberty. Each day within the week has one page and a single topic or episode on liberty, presenting thumbnail biographical sketches, the central core of illustrative court cases, acts of Congress or of legislatures, and opinions by public figures. He calls up illustration after illustration relevant to the problems of this very hour, and points the need of guarding our freedoms. The passages are brief, but readable and lucid. It is a book to be read thoughtfully from day to day, but it will prove useful also for reference.

Although political liberty is Justice Douglas' main theme, he also includes religious, social, and economic liberties, not even overlooking those of the family. He points out therefore that "my *Almanac* is concerned with the Sermon on the Mount, the United Nations, workmen's compensation, social security, as well as with habeas corpus and the Fifth Amendment."

The book shows particular concern that oppressive methods practiced upon "colonials" in the past, of which the author knows so much from his travels, shall cease. Upon this point he underscores the responsibility of modern man.

The author shows a sensitive concern for the present cleavage among us over subversives in government, but he offers hope—the hope of the realistic idealist. He warns that "in the eye of established authority a revolutionary is always a subversive character." He questions "substituting power for principle" in applying the important principles enjoined

by the Fifth Amendment. American ideals, he feels, "have great advantages in the world market of ideas." He urges that what counts most is "theory hitched to practical fact." He maintains that there is a "oneness in the world which binds all men together," and makes clear his confidence that through our diversities can come a unity achieved by our faith in freedom, working through democratic methods. He reminds us that we have a heritage to defend, and that liberties, which never come easily, are not retained without stern vigilance. Young leaders in both church and public service should be led to this book.

Here is an excellent fireside book by a vigorous and stimulating thinker who offers as he writes many human touches that make the reading both colorful and instructive. It is a document of real importance for an age of suspicion, fear, and demagoguery. True, the author comes at times close to the limits imposed upon a practicing justice of a higher court, but everyone must admire his forthrightness and courage.

ELLIS H. DANA  
Madison, Wisconsin

**The Russian Church and the Soviet State, by John Shelton Curtiss**

*Boston: Little, Brown and Company, 1953. 387 pages. Price, \$6.*

Dr. Curtiss presents a clear and detailed analysis of changing relationships between the Russian Orthodox Church and the Soviet state from the fall of the monarchy in 1917 down to the present time, with careful documentation from the Russian sources.

For the reader who is interested in religious freedom, in the rise and fall of church authority, in the pressures the church and the state are able to exert upon each other, and in the crosscurrents of policy, both religious and political, which affect the trend of events, the book is of great fascination. Dr. Curtiss finds that at no time did the Soviet authority set out to crush the Established Church. At the commencement of the Communist regime, the church leaders endeavored to remain loyal to monarchical traditions, anticipating the early collapse of the revo-

lution. The Soviet regime was hard put to it to maintain its existence during the first few years and therefore did not attempt much radical legislation against the church. At the same time the masses of the Russian people failed to give the Established Church the support they were exhorted to do by the religious authorities. This gradually strengthened the hands of political leaders, and they were able steadily to undermine and curtail the ecclesiastic power.

Parochial schools were placed under state control. Religious instruction was forbidden in the schools, to hasten the decline of religious life in the nation. The Soviet Government avoided a head-on collision with the church, and the masses of the people withheld from the Patriarch support for a crusade to compel the revocation of the decree of separation between church and state that was fundamental to Soviet policy.

The Fifth Congress of Soviets on July 10, 1918, provided that "to secure for the toilers real freedom of conscience, the church is separated from the state, and the school from the church, and freedom of religious and anti-religious propaganda is recognized as the right of every citizen." The attitude of the government was, however, that "the Communists do not in any way insult and oppress religion." Violent attacks were officially deplored and the plundering of church property officially forbidden. It was not considered expedient for the government to push its hostility to religion and to the Orthodox Church to its logical conclusion, so officials were instructed that they "should in no way permit their acts to show a feeling of hostility and scorn for the eternal assistant of all exploitation, which the clergy have been throughout history."

In 1920, however, the policy was adopted of painless but full liquidation of the monasteries, since they were considered chief centers of the churchmen and "as powerful screws in the exploiting machine of the old ruling classes." There were some atrocities and some executions of church leaders during the civil war of 1918 to 1920. However, at this time the Russian church was a matter of comparatively slight concern to the Soviet authorities. The church hierarchy began to feel it wise to modify their attitude of open condemnation and to make it less apparent that they were or had been ardent supporters of the czarist cause.

The famine of 1921 called for the surrender of church valuables to be sold for food. The response of the church was not unanimous. In fact, the Patriarch Tikhon came out against the proposal. His defiance of the decree weakened his position with the government and with the masses of the people, who were naturally interested in saving the lives of their suffering fellow countrymen. A church revolution ensued, a party arising under the name of the Living Church, or Renovationist Movement, a sort

of trade union of the parish priests, although it also stood for a pro-Soviet policy. The chief purpose was to break the domination of the monastic bishops and be freed from the counterrevolutionary stigma resulting from the policy of the bishops.

For years the struggle between the new church group and the old was waged at the parish level, and it was there that the fate of the rival party was decided. With the support of many of the parish clergy eager to settle accounts with the bishops, the reform movement in the church went ahead rapidly during 1922 and 1923 with considerable prospects of full success. The Patriarch had been indicted and was in prison awaiting trial with a probable death sentence ahead.

Ultimately, however, the Living Church movement failed. Patriarch Tikhon repented of his rebellious attitude and was released from prison. This enabled the government to disclaim any policy of persecuting religion. It gave Patriarch Tikhon an opportunity to rally to his support those who had not definitely joined the Living Church party and to admonish those who had, to forsake their heretical ways and return to the fold. A great wave of believers flowed out of the Renovationist church into the Patriarchal church, and the civil authorities were ready to accept a compromise with it. Tikhon died in April of 1925, and church leadership passed to Metropolitan Sergii. He was not quite as rigid as Tikhon had been, so that a reasonably satisfactory *modus vivendi* was reached between the church and the government.

Through all these developments, however, the long-term Soviet policy remained one of seeking the death of religious interest through a campaign of antireligious propaganda. One of the seven tasks of the Communist Party propaganda was the organization of antireligious propaganda among the masses, this to be carried on by various means, including the publishing of journals, books, and textbooks, by arranging lectures and by using the cinema, and the rough antireligious Christmas carnivals. There were demonstrations in the clubs and city squares, and processions and plays were used. The tone of public school education was definitely antireligious. An organization named "The League of Militant Godless" spearheaded the antireligious work throughout the country. It was felt by many that religion would automatically die out if it ceased to be emphasized.

Thus, although the older folk continued to attend the church and support its religious activities, the youth and children learned the lessons of atheism. Especially in the larger cities the children of the workers came to regard religion as a deceit that had outlived its time. Nevertheless, some regard was still paid to the ceremonies of the church: for instance, a substantial number of marriages, births, and burials continued to be accompanied by religious rites.

The history of Soviet dealings with the Russian Orthodox Church down to the year 1928 is intelligible only when the dual nature of Soviet religious policy is borne in mind. Just as Soviet diplomats sought working relations with other countries while Communists of the Third International with varying degrees of intensity sought world revolution, so did Soviet officials seek a working basis for their relation with the church at the very time that Stalin was calling for the eventual eradication of all "religious prejudice."

With the first five-year plan, which began in 1928, the League of Militant Godless gained strength, and the church was gravely weakened. Although some of the disabilities of the clergy were removed following the first five-year plan, yet the effect of the Godless movement continued to be felt and the church progressively declined. By 1941 the Godless group felt confident that the end of religion was not far off.

A dramatic change took place with the outbreak of the second world war. The church came out strongly for the government, urging the faithful to

take up arms and defend the fatherland. This loyal attitude greatly improved the status of the Russian church. Theological seminaries were authorized and religious instruction of children was again permitted under certain restrictions. But the youth remained away from services, and there was no real revival of genuine spiritual life. The basic position of the government remained unchanged. Religion must be eliminated sooner or later, and above all it must not gain the younger generations.

So at the present time, although the Russian Orthodox Church, which had indoctrinated the masses for one thousand years before the 1917 revolution, again appears outwardly to enjoy a reasonable degree of toleration and even protection by the state, it is only because the Communists feel that the Russian church and other religious bodies can safely be permitted to linger on, for in a generation few but atheists and materialists will remain. It matters little that some middle-aged and older people still believe, so long as the rising generations are convinced materialists.

ROGER ALTMAN  
Washington, D.C.

## IT SO HAPPENED —

[For those items of news bearing upon questions of religious liberty or relations between church and state, LIBERTY is indebted to Religious News Service specifically, and to normal news channels and our correspondents generally. Comment is in the editorial columns.—Ed.]

### UNITED STATES

#### Bus Transportation for Parochial School Children

A bill was introduced in the State legislature of New Mexico making it mandatory that parochial school children be transported in public school buses. At present the question is settled on the basis of local option, each county being allowed to make its own decision. The new bill would bring a definite change.

A measure approved by the Senate Education Committee in Vermont would permit the transportation at public expense of pupils attending parochial schools. The bill, sponsored by E. Frank Branon, has sparked an active controversy in the current session. Senators are being flooded with mail, both supporting and opposing the legislation.

THIRD QUARTER

Two bills have been introduced in the Indiana Legislature that would expand the program for transporting parochial school children at public expense. One would permit township trustees to provide transportation for parochial school pupils, on petition from freeholders, and to purchase additional buses on authorization of the township advisory board. The other would make it possible for school buses to pick up parochial pupils outside the corporation to which the bus belongs just as long as the children are on the bus route. The current law permits parochial pupils to be transported from a point on any bus route near their home to a point on the route convenient to the school.

#### Religion in the Public Schools

The Education Committee of the California Senate voted decisively against the Dilworth Bill, which proposed the teaching of Bible in the public schools of that State. The opinion of Attorney General Brown was asked for, but before his reply was sent, the action was taken. On two or three previous occasions the same question was introduced before the legislature, and each time it met a similar fate. The suggestion is being made by some that the issue be submitted to ballot at the next general election.



## Building Church-related Schools

The California Supreme Court has agreed to hear an appeal by the city of Piedmont from a decision of the District Court ruling that private schools cannot be excluded from the areas where public schools are permitted. The District Court held that the Piedmont ordinance prohibiting private schools was unconstitutional.

## Sunday Laws

A discriminatory enforcement of Connecticut's ancient blue laws in three suburbs of New Haven resulted in acts of reprisal. The State prosecuting attorney's office had received protests regarding operations in the suburbs of West Haven, Orange, and Milford. The reason given for enforcing the law in these three communities and not elsewhere was that of complaint. The irate merchants decided that the complaints would not long be lacking. On March 7 some purchases such as tennis balls, wrapping paper, beer glasses, and toys were made from one of the chain drugstores in New Haven. This started the fun. With fortified evidence such as merchandise receipts enumerating the items purchased, the representatives from Milford demanded police action at New Haven. In the confusion of happenings the police issued a summons against the drug clerks and subpoena to the witnesses. By issuing these legal documents on Sunday the police themselves violated the blue laws of the State. To add to the interesting incidents, one of the drug clerks, assistant manager of the store, is a member of the State legislature. The members of the State legislature are much agitated over the happenings, and have expressed their determination to make a necessary adjustment of the blue laws on the statute books.

In a recent news release the City Council of Warwick, Virginia, has given up any attempt to enforce a law prohibiting "unnecessary" work on Sunday because no one could define what is "necessary" work.

In Des Moines, Iowa, local officials of the American Federation of Labor are asking their members not to make Sunday purchases in grocery stores. The clergy of the city have joined in the campaign, urging their members not to make purchases on that day of worship.

Sunday law enforcements have flared in Portland, Oregon. This time the efforts are directed against used car dealers, who are perplexed over the efforts to prevent them from operating on Sunday when real estate offices carry on their activities on that day. The automobile is as definitely a family vehicle, as important in its field, as the home.

Fair Lawn, New Jersey, according to its borough attorney and supreme court judge, finds itself in quite a predicament. It has a blue law on its statute books that the community would like to have sub-

mitted on the April primary ballot. According to the legal minds the law permits municipalities to liberalize the interpretation, but makes no provision for revocation or modifications.

The South Dakota Legislature recently voted to repeal the State blue law, which prohibited Sunday ball games, theater performances, and other amusements. According to one of its Senators, who sponsored the repeal measure, the laws weren't being enforced and, therefore, should be stricken from the books.

## Compulsory Church Attendance

In Lancaster, Pennsylvania, teen-agers found guilty of violating motor vehicle regulations are being "sentenced" to attend Sunday school for a period of two or three months. The offenders have been given cards that are to be punched by the pastors, showing the date of their attendance.

## Court Decisions

Common Pleas Judge Daniel Wasserman, of Cleveland, Ohio, gave a court order awarding Harry Wolk, Jr., to his father, and Suzanne, ten, to her mother. The father is of the Jewish faith, and the mother is a Catholic. The parents had been separated, and the father charged that the mother had failed to keep her prenuptial agreement to educate the children in the Jewish faith. The judge based the decision on the desires expressed by each of the children. He reprimanded both parents for "creating this situation."

The New York Court of Appeals has upheld the right of a child to choose his own faith. The court decision upheld the right of a twelve-year-old boy to choose his own religion without regard to any premarital agreement entered into by his parents, one a Protestant and the other a Catholic, who are now separated. A testimony was given by the boy before a referee of the Appellate Division, expressing his preference for public rather than parochial schools. He further stated that he would adopt Christian Science if his mother so desired. One of the dissenting judges pointed out that when the separation was granted, the late Justice Powers, of the New York State Supreme Court, ordered the mother to abide by the agreement to rear her son in the faith of his father. He further challenged the right of the court to disregard the previous order of Justice Powers. The court rendered a five-to-two decision.

## Miscellaneous

The Baptists in Baton Rouge, Louisiana, have formed a "watchdog" committee to represent the Baptists in an attempt to prevent infiltration by church groups in the administration of State-supported institutions.

The controversy between church and state continues in Argentina. According to the *Washington Post* of April 4, the trouble erupted last fall when Peron learned that some religious elements were organizing a party of opposition. Under the present constitution the president of the republic must be a Roman Catholic and the government pays the salaries of the two cardinals, the archbishops, the bishops, and many parish priests, and contributes to the support of the private Catholic schools. The president of Argentina is of the opinion that recent events may foreshadow a change in the constitution, so that the principle of separation of church and state would be more in accord with the example of "other advanced countries."

### CANADA

For the second time the Quebec Legislature has rejected a bid submitted by the Benedictines to expropriate land surrounding their monastery. If such a bill were approved, said the premier of Quebec, it would mean in effect that the people on land adjoining a monastery would soon become subject to the rules and regulations laid down by the abbey. "Such a situation would be intolerable and could not be sanctioned by the legislature."

Presiding Justice Boyd McBride, of the Supreme Criminal Court at Edmonton, Alberta, refused to excuse from jury service H. A. Shultz, farmer near Bruderheim. Mr. Shultz, a member of the Jehovah's Witnesses, based his request for exemption on the fact that he is regarded as a minister. The judge asked that information be given him as to the date and type of ritual in which Mr. Shultz was ordained. In absence of this evidence, the judge contended that he could not grant an exemption such as is allowed to ministers.

### U. S. S. R.

Religious News Service reports that Baptist communities in Russia are among the latest targets of antireligion campaigning by the Communists.

### FRANCE

The first Roman Catholic national congress devoted to the question of religious instruction in the schools was held in Paris, April 13-15. The objective of the meeting was to launch a national drive to place religion in the major curricula of state schools.

THIRD QUARTER



## LIBERTY

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The National Catechism Commission drafted plans for training lay catechists to help the clergy in giving religious instruction at all levels of educational training.

served much longer. Present trends definitely point toward a cleavage between church and state.

An article appearing in the London *Observer* by Sylvia Sprigge predicts that "if the tradition of Pius XII is carried on, we are now likely to witness a far more militant policy inside Roman Catholic countries in South America and Europe, aiming at keener and sharper ecclesiastical control in matters of education, divorce, censorship of entertainments and publications, and at ecclesiastical immunities for taxation and civic jurisdiction, with new Roman Catholic movements inside existing trade unions, as in Australia."

#### INDIA

Word comes from India that a new policy toward Christian missions has been drafted by the National Cabinet. However, no formal announcement has been made to date. The inference is that there will be greater respect for religious liberty.

The Punjab Government has decided to impose a total ban on utterances of political slogans during religious processions. The decision has been taken with the purpose of stopping misuse of religion for political ends.

#### ITALY

A memorandum has been sent to the government by the Federal Council of Italian Evangelical Churches asking that the guarantee of religious equality provided in Italy's Constitution of 1948 be made applicable. The council said that "respect of minorities is the acid test of a democracy."

The disagreement between the Church of Christ and the police force in Rome has flared again. The claim is that the operation of the church under the pastoral work of Cline R. Paden is unlicensed. The police therefore are opposed to the display of a sign giving the name of the church. It appears that although the case has been before the court, the basic issue has not been decided.

#### NORWAY

According to Einar Amdahl, general secretary of the Norwegian Missionary Society, the bonds uniting church and state in Norway cannot be pre-

By order of the Secretary of Education in Manila, three school days, December 1-3, were designated as holidays to permit students to attend the Marian Congress. The following comment on this incident was made by Judge Guillermo B. Guevara, a prominent contemporary Filipino jurist, and appeared in the *Manila Daily Bulletin*:

"The Philippine Constitution guarantees to every citizen of this country the freedom of worship and conscience, and the strict separation of the State from the Church. Under this principle, no official branch of the government, including the education department, can grant a special concession or privilege to any particular sect or denomination, no matter how large or influential it may be, without infringing on the spirit of the Constitution. After all, the law of the majority does not and cannot prevail on the question of whether the government, as an entity, should side or not with any particular religion or sect. Under the Constitution, the State has no religion, it cannot have any religion. In the eyes of the State all religions are equal."

#### SPAIN

A protest was made by Dr. Clyde W. Taylor, secretary of affairs for the National Association of Evangelicals, against the recent imprisonment of six Evangelicals in Spain. Dr. Taylor stated that "there is no doubt whatever but that the denial of the religious rights to those whom we consider our brethren in Spain will have a detrimental effect on the understanding which should be expected to exist between the United States and Spain." The trouble developed because some of the members were found in the vicinity where an outdoor baptismal service was to have been held. Even though plans for the baptism did not materialize, the church members were fined and put in prison.

According to the *Congress Weekly*, the Jews in Madrid, Spain, were forbidden the use of a room in one of the city's hotels for the observance of one of their religious occasions. The services were held in the hotel last year, but this year the worshipers were required to use their inadequate basement of the synagogue, with the words of caution from the police that their voices be lowered so as not to be overheard by people in the street. The reason given by the government for this action was that if permission were granted to them, other religious groups would request the same rights.





COURTESY, U.S. DEPT. OF THE INTERIOR

#### DIORAMA OF THE TRIAL OF JOHN PETER ZENGER IN 1735

This realistic scene is depicted in one of the rooms of the Federal Hall Memorial in New York City. Hamilton, the defending lawyer, is shown addressing the jury and is pointing to Zenger standing at the bar in the center.

## FREEDOM OF THE PRESS

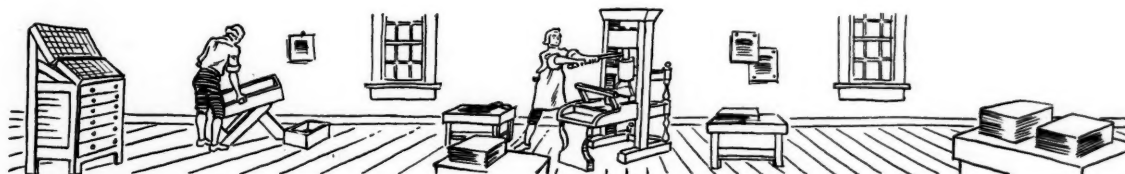
**JUST** what does freedom of the press mean? How much does it include? This subject has been argued before many judges. It has been adjudicated and partially answered from time to time by many court decisions. The freedom to print and to publish one's beliefs and viewpoints, to express one's ideas and opinions, is not only an American tradition but a constitutional right. Of course, it goes without saying that this right must be used with good judgment and courtesy. We must respect the honest opinions of others and allow them the same rights and privileges that we rightfully claim for ourselves. When we publish criticism of others, we should be willing to accept honest judgment of our opinions. We must ever remember that liberty is not license. It is essentially a matter of self-control. We must restrain the impulse to forget the golden rule. It is only just that every citizen should exercise civility and common politeness in dealing with his fellow men. To go beyond this is not only wrong but unjust, and in many cases can cause injury. When freedom is made to go beyond its bounds, the injured one, of course, has recourse for damages under the laws defining libel and slander.

After the invention of printing, when men began to put their thoughts and ideas into pamphlet and book form for men everywhere to read, a new problem arose. Should the press and printing be free, or should it be controlled? One of the first efforts in behalf of freedom to print and to publish was made in Old England by John Milton in the seventeenth century. He pleaded with the Parliament for "the liberty to know, to utter, and to argue freely according to conscience about all liberties."

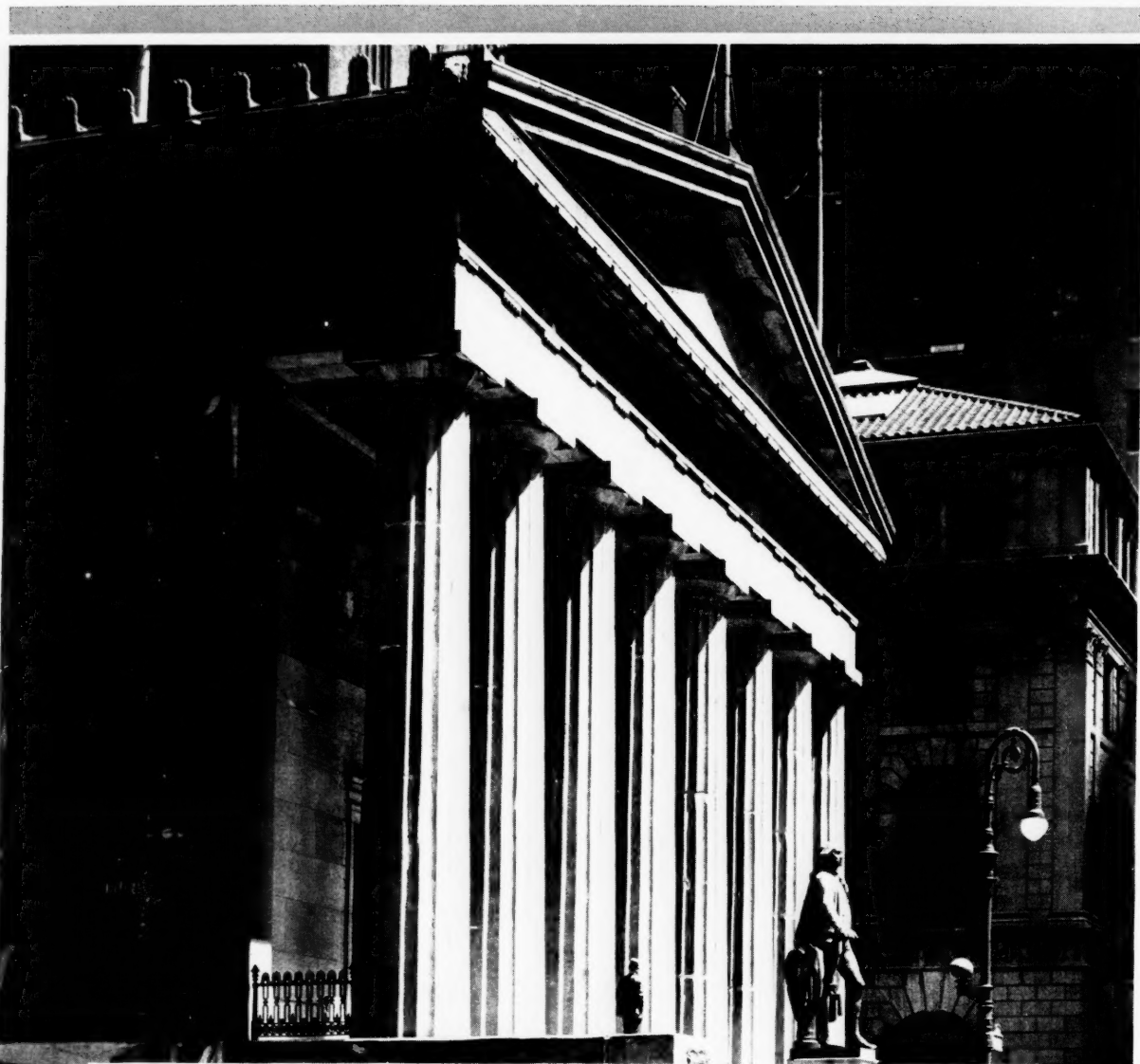
In this country it was the printer John Peter Zenger who, perhaps, did more than any other man of his time to bring about freedom for the press. He fought the abuses of Governor Cosby and was imprisoned for what was then termed libel. His victory at his trial in August of 1735 laid as it were a foundation block in the structure we call Freedom of the Press. Later the principle was put into words that form a part, a notable part, of the Bill of Rights in our national Constitution.

This battle for liberty is a continuing struggle. Each generation must be keenly watchful and alert to guard and preserve for themselves the freedoms bequeathed to them.

S. M. H.



THIRD QUARTER



## **THE FEDERAL HALL MEMORIAL**

***In Lower Manhattan in New York City***

**T**HIS building of Greek Revival architecture, built in 1842, has served as a Custom House, a Sub-Treasury, a Federal Reserve Bank, and other Government offices. It is now a memorial to the founding of our republican form of government, and a national historical site. On this ground stood the old City Hall, later called Federal Hall. This original building was built about 1700 and saw service until it was demolished in 1812. Thirty years later it was replaced by the present building.

On this site in the original building occurred many historic events. First, perhaps, was the imprisonment of John Peter Zenger in the garret of this hall on the charge of publishing "seditious libels" in his newspaper, the *New York Weekly Journal*. This took place in 1734. The following year he was acquitted after a jury trial. This event marked the first important victory in the continuing struggle for freedom of the press and freedom of speech in America. Here the famous Stamp Act Congress met, and the Continental Congress that called for the holding of a Constitutional Convention. Here also the first Congress under the Constitution met, and on its balcony George Washington was inaugurated President. In this early building some of the departments of government were created, and most significant of all, here the First Congress adopted the Bill of Rights, which has done so much to safeguard for us the freedoms we enjoy today.

